

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, March 4, 2003
Tuesday, 9:01 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, present.

Gary Rebenstorf, Director of Law; Chris Cherches, City Manager; Pat Graves, City Clerk; present.

Rev. Sally Farenthold, (Retired) Disciples of Christ, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- The Minutes of the regular meeting of February 11, 2003 and the executive meeting February 25, 2003,
-- approved were approved 7 to 0.

AWARDS AND PRESENTATIONS

YOUTH SERVICE Wichita's Promise – Youth Community Service Awards were presented.

UNSUNG HEROES Optimist Club's "Unsung Heroes" were recognized.

EXCHANGE STUDENTS High School Exchange Students from Russia and The Ukraine were recognized.

PROCLAMATIONS Proclamations previously approved were presented.

WESTAR ENERGY WESTAR ENERGY VISION FOR THE FUTURE.

James Haines James Haines, President and Chief Executive Officer, on behalf of all Westar employees, said it is a new day at Westar Energy. The focus is on the future as a pure Kansas electric utility company. Over the next two years, it is Westar's intention to get out of all non-utility businesses and activities involved with in the past, and to return to the focus of providing good electric service in Kansas.

Mayor Knight Mayor Knight said he has seen a change in Westar and is glad to see Westar concentrating on the benefit for all people.

PUBLIC AGENDA

King David Davis King David Davis expressed hope for Wichita citizens that the next administration will address new issues.

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UNFINISHED BUSINESS

CONDEMNATION REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES – 1158 NORTH ASH, (District I)

(This Item was continued from February 4, 2003)

Agenda Report No. 03-0098A

This property was before the Board of Code Standards and Appeals (BCSA) on December 2, 2002. No repairs had been made to the property, and the BCSA recommended 10 days to start demolition and an additional 10 days to complete.

This case was before Council on February 4, 2003. The heirs to the property contacted staff to request additional time to try to sell the property. The Council voted to defer the matter for 30 days to allow the sale of the property.

On February 19, 2003 staff made an inspection of the property. No repairs had been made. The structure is secure. There is still scattered debris and tree limbs on the premises. Staff contacted the heirs of the property on 2/20/03. The property has to go through probate before it can be sold. That process has not started yet. The heirs are trying to decide whether to try to fix the exterior of the property or let the City tear it down.

The 1999, 2000, 2001 and 2002 taxes are delinquent in the amount of \$1,477.04. There are still pending special assessments for weed mowing in the amount of \$351.00.

The heirs have been notified of the date and time of this hearing.

Kurt Schroeder Superintendent of Central Inspection reviewed the Item and said a new buyer had signed an agreement to purchase the property. The new owner has asked for 60 days to repair the properties, and that he be allowed to pay the 1st half of delinquent taxes by April 1st and the 2nd half by the end of April.

Staff is recommending approval of the new owners request.

Motion -- Brewer moved that the public hearing be closed; the Resolution declaring the buildings dangerous and unsafe structures, be adopted; and the Staff recommendation to give 60 days to repair the properties, and to pay the 1st half of delinquent taxes by April 1st and the 2nd half by the end of April, be approved. Any extensions of time granted to repair the structure would be conditioned on the following: (1) the delinquent taxes are paid as outlined above; the structure is maintained secure as of March 4, 2003 and is kept secured during renovation; and the premise kept clean and free of debris as of March 4, 2003, and will be so maintained during renovation.

-- carried

RESOLUTION NO. 03-103

Resolution finding that the structure described as: Lots 2,4 and 6, Norris Subdivision of Lot 3, Tarleton's Second Addition of out Lots to Wichita, Sedgwick County, Kansas, commonly known as 1158 North Ash, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

FIREWORKS POLICY FIREWORKS POLICY.

Agenda Report No. 03-0253.

Chris Cherches City Manager reviewed the Item.

Significant public safety and neighborhood nuisance implications are associated with fireworks surrounding the Fourth of July Holiday. The annual effort to enforce restrictions on fireworks (in

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Wichita) has evolved over the past few years in response to fire concerns and the growing number of resident complaints. In particular, Fire personnel have placed greater emphasis on prevention through public education campaigns in an attempt to reduce the use of illegal fireworks within the City.

While data collected for 2002 indicates a significant reduction in the number of structure fires related to fireworks, there was a considerable increase in fire losses. The increase, in part, was related to the financial loss associated with destruction of the Salvation Army building, which caught fire due to the illegal use of bottle rockets. Meanwhile, the number of complaints regarding fireworks, as well as the number of injuries, remained approximately at the same levels as previous years.

Despite significant loss, and proposed restrictions on illegal fireworks in the City are controversial and difficult to enforce. One segment of the population wishes to see more stringent restrictions, or prohibition of the use of fireworks. Another segment believes the use of fireworks is a traditional and important patriotic expression and should not be restricted on and around the Fourth of July. Other groups believe that while some restrictions are warranted, they would be opposed to a complete ban on fireworks. Public safety individuals believe that enforcement of limited restrictions is extremely difficult and, in some ways, impossible to completely control given the population and geographic size of the community - as well as the varying views held by residents.

The issue of fireworks has long been discussed by various City Councils without a closure on a legislative approach. Two years ago, this matter again surfaced as the increase in nuisance complaints increased. To address the issue, the City Council directed that more proactive patrols (both police and fire) be activated and that added efforts be placed on education. Last year, the Council received reports from both Police and Fire management outlining the activities conducted and the difficulties surrounding effective enforcement of current ordinance requirements. The Council then directed that this matter be taken to the various District Advisory Boards for discussion. Following this information, the Council was to choose whether or not it wished to pursue the fireworks issue further by appointing a select task force to study and make recommendations, or to continue with the current restrictions and enforcement levels.

In the process of considering a regional policy and to determine the status of fireworks restrictions in other cities, a survey of large cities (in the region) was conducted by Staff. In summary, most larger cities, such as: Oklahoma City, Denver, Omaha, and Topeka, place some type of restriction on the use of fireworks. Because the policies varied so greatly with each city, it was difficult to identify a consistent level of restriction.

Options developed by Staff focused on stronger enforcement rather than just warnings, along with developing ways to involve neighborhoods - across the community - in the control and enforcement of fireworks restrictions. All options proposed would necessitate a significant amount of participation and support from residents. Any attempt to curtail property damage and injuries by fireworks must involve an effective "grassroots element" to be successful. Therefore, increased coordination and communication between City public safety personnel and residents (especially neighborhood associations) would be essential.

Options: The following four (4) options were considered for proposing the restriction and enforcement of the use of fireworks within the City limits of Wichita:

Option A -- Complete ban on all types of fireworks in the City, including sparklers, glow-worms and all other devices that make noise (City Fire Code currently prohibits all fireworks). Budget Fire and Police personnel to carry out proactive patrols during the week of June 29th to July 6th. Teams of (on and off duty) Police and Fire personnel could patrol the City during this holiday week. Significant overtime costs would be accrued with this expanded enforcement program. This concept is used by the City of Denver that restricts all forms of fireworks.

Option B -- Ban all types of fireworks, except designate certain time periods during the July Fourth holiday (for example, 9:00 AM to 11:00 PM) to allow consumer-grade fireworks to be used. Fire and Police personnel would still be required to patrol and enforce compliance - similar to Option A. However, it would be highly unlikely that all fireworks usage would be controlled within these timeframes but over time, more compliance could be expected.

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Option C -- Maintain current restrictions (selected devices, consumer-grade fireworks). Maintain current on-duty patrol methods with special roving patrols by Fire personnel and continue with community education on safety.

Option D -- Allow all types of consumer-grade fireworks sold in the regional area, and maintain normal Police and Fire operations during July Fourth week. It is highly unlikely that firework sales would limit the types of fireworks currently permitted under existing Wichita ordinances, but such action would help reduce some of the nuisances currently being experienced during the July 4th holiday.

Differing Opinions: Selecting one option to address the fireworks issue has proven difficult due to the nature of the activity and the divergent opinions about restrictions. Violators are very mobile; that is, the occurrences are very short in duration; and many residents disagree with existing restrictions, viewing such activities as patriotic expressions—leading to flagrant disregard of these ordinances. Any expected increase in effective enforcement of fireworks restrictions should consider these varying public opinions. Any ordinance without the majority support of the community will be difficult to enforce.

These wide ranges of opinion were evident when the various options were presented to the District Advisory Boards (DABs) during October/November 2002. Discussions at the DAB meetings resulted in the following opinions. Some of the DABs provided recommendations along with their comments.

DAB I: Board comments included: (1) need to consider excessive 911 calls on July 4th; (2) the City of Wichita should work with the County on this issue, if possible to control firework types; (3) requested that fireworks not be banned altogether, but stronger enforcement be used; (4) enforce severe violation penalties two to three weeks before and after the 4th of July; (5) option B or C were considered to be the best approach to this situation; (6) need an educational campaign that educates the public on this issue; (7) banning of fireworks would lessen problems for the police and neighborhoods; (8) due to this being a City-wide problem, an advisory council or task force should be formed to study this issue.

Action: The board members agreed to defer a decision on this item until additional information is received. Date of Action: 11/4/02

DAB II: Comments included: (1) the use of fireworks to celebrate the Fourth of July is a national tradition; (2) any ordinance banning the use of fireworks would be unenforceable; (3) public education may reduce the number of accidents resulting in damage to persons and property; and (4) the City of Wichita should communicate with surrounding areas to prevent illegal fireworks from entering our communities.

Action: None of the options presented was fully supported. Board voted 8-0 to recommend that City Council create a task force to further study any proposed changes to firework ordinances. This task force should include all stakeholders that will be impacted by any changes to firework ordinances. Date of Action: 10/21/02

DAB III: Comments by Board members and citizens included preferences to maintain current restrictions but with increased enforcement and, working with surrounding areas to control outside City sales.

Action: Motion passed 8-0 to recommend a combination of Option C and Option B by supporting the current City ordinance that possession or use of any illegal fireworks within the city limits is a violation that should be enforced; and, legal fireworks are acceptable during specific time periods but increased enforcement is recommended. Date of Action: 11/6/02

DAB IV: Comments by Board members and citizens included looking into the County's policy and working in conjunction with them or designating a public place where citizens could shoot fireworks under supervision of the fire department.

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Action: None of the options presented were recommended. A motion passed 7:0 to support a task force to study alternatives. The Board designated two members for the task force. Date of Action: 11/6/02

DAB V: Board and citizen comments included: (1) complete ban is needed for safety reasons; (2) specific areas in the City need to be designated for shooting legal fireworks; (3) current lack of enforcement encourages continued use; (4) the peoples' use of fireworks is the problem and more education should be part of the solution; (5) reluctance for total ban due to sale fireworks being a major fund-raising project for many non-profit agencies; and, (6) need to return to a public display of fireworks to help discourage family and/or neighborhood displays where illegal fireworks are used.

Action: Due to lack of consensus, Council Member Martz requested each Board Member vote for one of the recommended options. Four (4) members supported Option A to revise the ordinance to a complete ban with pro-active patrols; three (3) members supported Option D to allow consumer-grade fireworks and conduct patrols only during week of July 4th; and, one (1) member suggested that other options be explored. Date of Action: 11/4/ 02

DAB VI: Board and citizen comments included: 1) stop fireworks to prevent property loss and injury; 2) What timeframe would be used for shooting fireworks during day and evening? 3) What current devices (fireworks) can technically be shot? 4) Ban all fireworks except the organized displays 5) Does the City charge for people who sell fireworks under tents? 6) Give a minimum fine of \$10,000 that would be an easier way to enforce selling illegal fireworks; 7) Until all surrounding counties are on board with a plan to handle fireworks, It is too easy to go over the county line and buy illegal fireworks; 8) Perception is kids doing this but it's really adults with the illegal fireworks and 9) Shoot where you buy your fireworks with a time limit.

Action: DAB VI recommends looking at Option B with a definite time framework. If a task force is developed, the task force should return to DAB with a follow-up report. Date of Action: 10/7/02

Any option that might be selected involving expanded Police and Fire Patrols will be costly because of overtime holiday wages. Any aggressive enforcement approach (i.e., Option A or B) by Police and Fire personnel during the week surrounding July Fourth could exceed \$15,000 (assuming additional Police Officers and more Fire personnel on the streets during designated shifts). Even with the continuance of past efforts to enforce the existing ordinance will require allocation of additional personnel, either diverting resources from other patrol activities, or requiring overtime in order maintaining service levels. Even with expanded enforcement, there is no guarantee that incurring this additional cost will derive a noticeable benefit. With the focused attention on education about fireworks, and with support of the news media, long-term benefits may accrue to lessen the nuisance and fire losses.

Ordinance changes will be required to implement any of the options, other than the existing ordinance (Option C).

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion --

Knight moved that a Fireworks Task Force be appointed to study the issues involving fireworks, focusing on public safety, enforcement, education and community acceptance; and the following appointments to the Task Force be approved: President of the Youth Council and Georgia Lambke (Knight), Tim Goodpasture and Kathy Erickson (Pisciotte), Yvonne Lewis and Lois Tully Gerber (Brewer), Maurice Ediger and David Dennis (Martz), David Pendegraft and Bob Schreck (Fearey); Larry Manning and Jim S (Lambke); and Jerry McGinty and Ed Koon (Gale).

-- carried

Motion carried 7 to 0.

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NEW BUSINESS

WEAVER MFG. INC. PUBLIC HEARING AND TAX EXEMPTION REQUEST – WEAVER MANUFACTURING, INC. (District I)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 03-0192

On December 18, 2001, City Council approved a five-plus-five year 100% Economic Development Tax Exemption for the benefit of Weaver Manufacturing, Inc. located at 1005 E. 17th in northeast Wichita. The tax exemption was for a \$678,710 expansion project that consisted of purchasing new manufacturing equipment.

On December 2, 2002, the City and Weaver Manufacturing, Inc. received a preliminary order from the Kansas Board of Tax Appeals (“BOTA”) identifying a deficiency in the application for a BOTA exemption order and providing a 30-day time frame to cure the deficiency. The company has requested and received an additional extension until March 31, 2003, to respond to BOTA. To effectuate the remedy, the City Council must hold a new public hearing and adopt a new ordinance approving the original tax exemption plus an additional exemption for a piece of equipment owned by Weaver Manufacturing, Inc.

BOTA has determined that the property covered by the original ordinance does not qualify for an exemption pursuant to Article 11, Section 13 of the Kansas Constitution, due to the fact that Weaver Manufacturing leases all of the property from a 60%-owned affiliate, TDR, Ltd. In order to qualify for an exemption, the project must satisfy certain additional statutory requirements, namely that the leased property be integrally used along with non-leased property that is also exempted. This requirement was not satisfied in the original application submitted to BOTA.

BOTA’s preliminary order is intended to give the City and Weaver Manufacturing the opportunity to correct this procedural deficiency. To this end, Weaver Manufacturing requests a tax exemption for a catia workstation and software that was purchased as part of the 1999 expansion, at a cost of \$69,454.

BOTA requests that the applicant and/or the City of Wichita provide the following information or complete the following procedures:

- a. Prepare a new cost-benefit analysis that takes into account the exemption for non-leased property.
- b. Conduct a public hearing following publication of Notice in the official city newspaper and written notice provided to the Board of County Commissioners and the Board of Education.
- c. Pass a new ordinance that exempts both the leased and non-leased property, which makes the factual determination that the property will be used exclusively for exempt purposes.

TAX EXEMPTION ELIGIBILITY

ELIGIBLE %	INCENTIVE	EXPLANATION
19.50%	New Job Creation:	Weaver Manufacturing Inc. will create Eight new jobs.
12.50%	Capital Improvements:	Weaver Manufacturing Inc. invested \$748,164.
32.00%	Sub Total Business - Incentive Eligibility (Maximum allowed is 50%)	
48.0%	Export Premium:	Weaver exports 96% of its product outside Kansas.
48.0%	Sub Total – Export Premium (Maximum allowed is 50%)	
20.0%	Location Premium:	Weaver is located in the central redevelopment area (additional 20% allowed)
100.00%	TOTAL EXEMPTION ALLOWED UNDER BUSINESS INCENTIVE POLICY	

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Under the City's Business Incentives Policy, Weaver and TDR, Ltd are eligible for 100% tax exemption for a five-year term on the identified personal property.

The estimated first year taxes on the proposed \$748,164 expansion would be \$17,251, on personal property, based on the 2001 mill levy at the time the original ordinance was passed. Using the allowable tax exemption of 100 percent, the City would be exempting (for the first year) \$17,251 of new taxes from the personal property tax rolls. The tax exemption would be shared among the taxing entities as follows: City – \$5,027; County/State - \$4,824; and USD 259 - \$7,400.

A new cost-benefit analysis has been performed by Wichita State University Center for Economic Development and Business Research, which are as follow:

City of Wichita	2.25 to one
Sedgwick County	2.09 to one
USD 259	2.72 to one
State of Kansas	2.92 to one

A notice of public hearing has been published and notice letters mailed to the Board of County Commissioners and U.S.D. 259 Board of Education.

Motion -- Brewer moved that the public hearing be closed; and the Ordinance granting Weaver Manufacturing, Inc. and TDR, Ltd. a 94.75% tax exemption on the identified personal property for a five-year term, be placed on first reading. Motion carried 7 to 0.

-- carried

ORDINANCE

An Ordinance exempting property from ad valorem taxation for economic development purposes pursuant to Article II, Section 13, of the Kansas Constitution; providing the terms and conditions for ad valorem tax exemption; describing the property of Weaver Manufacturing, Inc., and TDR, LTD., so exempted; and repealing Ordinance No. 45-179, introduced and under the rules laid over.

Motion -- carried Knight moved that the rules be set aside and an Item be taken up out of order. Motion carried 7 to 0.

(The Council moved to take up the Fire Station No. 10 Item; action is shown in Agenda order.)

HUD

2003-2004 HUD COMBINED ALLOCATIONS/ONE-YEAR ACTION PLAN.

Tom Smith Grants-in-Aid Coordinator reviewed the Item.

Agenda Report No. 03-0193

On November 26, 2002, the City Council took action to reaffirm its community priorities, and designated funding for these priority programs and services provided/funded by the City. Based on prior City Council funding actions, applications were solicited for the undesignated funding and for Special Programming through a competitive Request for Proposals (RFP) process.

The Grants Review Committee, appointed by the City Council, held its public hearing on February 4, 2003 to provide an opportunity for interested persons to address the Committee regarding housing and community development needs. The Committee also received/heard requests for the undesignated HOME and ESG funding. The Grants Review Committee spent many hours in additional meetings reviewing applications and considering comments from the public.

The 2003-2004 combined HUD funding (estimated) for Wichita includes: (1) Community Development Block Grant (CDBG) - \$3,562,000; (2) HOME Investments Partnership (HOME) - \$1,923,000 (\$1,823,000 in 2003 funds plus \$100,000 in prior year funds); and (3) Emergency Shelter Grant (ESG) - \$133,000. As a result of its prior actions, the City Council has designated the following:

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Source	Designated Funding	Undesignated Funding	Total
CDBG	\$3,562,000	\$ -0-	\$3,562,000
HOME	1,573,000	\$350,000	\$1,923,000
ESG	<u>6,650</u>	<u>126,350</u>	<u>\$ 133,000</u>
Total	\$5,141,650	\$476,350	\$5,618,000

Community Development Block Grant

1. Neighborhood/Community Facilities
The City Council designated \$215,000 for Neighborhood/Community facilities. These funds are intended to be utilized either for new community facilities/buildings, or for deferred maintenance on eligible City-owned facilities. Staff recommends \$215,000 be utilized for park improvements for eligible parks serving low and moderate income areas.
2. Request for Proposals (RFP)
Based on prior Council actions, RFP's were solicited for specific programs. A Staff Screening and Selection Committee has reviewed the Request for Proposals for the following program categories: Women's Services; Youth Recreation/Enrichment; Summer Youth Employment and Homeless Services
3. Infrastructure Reinvestment
The City Council has previously designated \$951,500 in prior year funds for park renovation, public facility renovation and street paving. The City Council is requested to reaffirm its previous action.

In addition, approval of the recommendations under the Community Development Block Grant (CDBG) program would specifically address Inner-City Redevelopment Incentives in the following areas:

Emergency Home Repair Program	\$400,000
Paint Grant Program	\$100,000
Rental Housing Low Interest Revolving Loan Program	\$100,000
Exterior Repair Program	\$100,000
Secondary Structure Demolition	\$ 15,000
Neighborhood Clean-Up	<u>\$ 12,600</u>
Total	\$727,600

HOME Investment Funds

1. Undesignated CHDO Funding

The Grants Review Committee and staff have provided funding recommendations for undesignated CHDO (housing program assistance) funding. These recommendations include funding support for: Community Housing Services for acquisition and rehabilitation of eight single family homes for low income, first time homebuyers in the Northeast Local Investment Area; and, Mennonite Housing Rehabilitation Services, Inc. for proposed rehabilitation, or new construction of single family units for homeownership in one of the five the Local Investment Areas.

2. Reduced Funding

The projected 2003/2004 HOME grant from HUD is now estimated to be approximately \$245,000 less than originally anticipated. The projected amount (and the amount designated by the City Council) was \$2,068,000 and the revised estimate is \$1,823,000. Staff recommends utilizing \$100,000 from prior year fund to provide funding for the projects previously designated by the City Council.

Emergency Shelter Grants

1. Undesignated Funding

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Staff supports the recommendation of the Grants Review Committee for ESG undesignated funding. The Grants Review Committee was aware of the Community Council on Homeless Advocacy priorities and proposed funding needed.

The estimated 2003-2004 CDBG allocation is the same as originally projected. The estimated HOME allocation decreased by \$245,000 due to the use by HUD of 2000 Census data and the total Emergency Shelter Grant funds are projected to remain the same. All Consolidated Plan allocations are subject to final Congressional appropriations which are not known at this time. The total proposed allocation for the 2003-2004 HUD Combined Allocations and the One-Year Action Plan is \$6,569,500 (including prior year funds), of which \$6,093,150 has been previously determined (as designated priorities) by the City Council for priority programs/services. These allocations will be effective July 1, 2003.

Each grant program is restricted to certain federal allocation limits, which cannot be exceeded; however, these allocations can be less. In 2003-2004, these restricted limits (by grant) are:

CDBG	\$1,163,310	Public Services
	\$712,400	Planning and Administration
HOME Funds	\$273,450	Neighborhood-Based Non-Profits (CHDOs)
	\$182,300	(Minimum)
		Administration
Emergency Shelter Funds	\$39,900	Essential Service
	\$39,900	Homeless Prevention
	\$6,650	Administration

The national objectives of the Community Development Act are to principally benefit low/moderate income persons, eliminate slum and blight, or meet other urgent community needs. The HOME program also must primarily benefit low/moderate income persons, and the Emergency Shelter program must benefit homeless persons. Allocation of Consolidated Grant funds is also subject to individual federal eligibility rules regarding specific activities/programs and national objectives of primarily benefiting low-income persons, or addressing conditions of slum/blight. The process by which grant funds are authorized by the City Council is a matter of local determination, providing all HUD eligibility requirements are met.

The City Council has the authority to solicit proposals, or to reserve grant funds for community priority needs and programs, as determined by the City Council. The City has met all federal requirements in the allocation of funds. Prior to final allocations and payments, each project must be verified for eligibility for use of the respective grant funds. Subsequent to the allocation of funds, staff will prepare a One-Year Action Plan of activities to be funded. The One-Year Action Plan will be presented to City Council and will be made available for a required thirty (30) day public review/comment period prior to final approval.

Mayor Knight	Mayor Knight inquired if anyone wished to be heard.
Richard Lopez	SER Corporation spoke regarding the SER presentation and proposal. Mr. Lopez expressed concern that procedures were not followed.
Tom Smith	Grants-in-Aid Coordinator said procedures were followed.
Jaimie Lopez	Wichita Acts on Truancy said he felt the proposal their organization presented would address Hispanic youth and others that are "falling through the cracks."
Matt Jordan	Wichita YMCA spoke on behalf of Youth Alliance and said the Alliance looks forward to adding new agencies.
Motion --	Knight moved that the City Council accept the recommendations of its Grants Review Committee and address the decision items as follows:

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- (1) Approve funding allocations for the City's 2003-2004 HUD Consolidated Plan/Combined Application, based upon recommended funding amounts.
- (2) Designate use and allocations for \$215,000 CDBG Neighborhood/Community Facilities funding, as recommended.
- (3) Approve the Request for Proposal services/programs, as recommended.
- (4) Reaffirm allocation of prior year CDBG funds for Infrastructure Reinvestment, as recommended.
- (5) Approve the use of prior year HOME funds to bring total 2003-2004 HOME funding to the recommended amounts, as recommended.
- (6) Approve Grants Review Committee's recommendations on HOME CHDO funding.
- (7) Approve Grants Review Committee's recommendations on Emergency Shelter Grant funding.
- (8) Authorize preparation of the One-Year Action Plan. Motion carried 7 to 0.

--carried

TIF

DESIGNATION OF PREFERRED DEVELOPER AND RESOLUTION CONSIDERING THE ESTABLISHMENT OF A REDEVELOPMENT DISTRICT (TAX INCREMENT FINANCING), KELLOGG/OLIVER AREA. (District II)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 03-0194

The City has undertaken extensive improvements to the intersection of Kellogg and Oliver Avenues that resulted in significant changes to the commercial activity at that intersection. In 1996, buildings on the southeast corner of that intersection were damaged or destroyed by a tornado. Most of the property located on the south side of Kellogg, on both sides of Oliver, is owned by one individual, Don Walenta. He is proposing to construct a commercial development project and has requested assistance from the City in the form of tax increment financing.

Tax Increment Financing (TIF) allows the increased property tax revenue that results from the redevelopment of property in a deteriorating area to be reinvested in the redevelopment. When a TIF district is established and a redevelopment project plan is adopted by City Council, the increased tax revenue is set aside by the County Treasurer and can be used by the City to repay bonds issued to finance certain improvements that are specified in the project plan.

The first step in establishing the Tax Increment District is the adoption of a resolution that states that the City Council is considering the establishment of the TIF district and sets the date for a public hearing on the matter. The resolution directs the City Clerk to publish the resolution in the City's official newspaper and to mail copies to the owners and occupants of all property located within the proposed TIF district, by certified mail. The earliest date a public hearing could be held is April 15, 2003.

It is customary for the City to enter into a letter of intent agreement with the developer in a redevelopment project involving tax increment financing. Prior to the adoption of a final project plan and the issuance of any tax increment financing bonds to pay for eligible costs, the City and the developer will enter into a detailed, comprehensive agreement that commits the developer to completing the proposed developments and the City to providing the financial assistance. A letter of intent serves as an interim agreement, subject to successful negotiation of a final agreement.

The letter of intent between the City and Don Walenta sets forth the agreement to negotiate exclusively for a TIF redevelopment project during a not-to-exceed two-year period, during which time Mr. Walenta will finalize his plans for redevelopment of the Kellogg and Oliver area and the City will complete the process of gaining authorization to issue tax increment financing bonds. As presently planned, the redevelopment project will include the construction of a neighborhood commercial center on one side of Oliver, south of Kellogg, and a free-standing office building and/or restaurant on the other side of Oliver.

The cost of mailing the resolution to all owners and occupants of property located within the district will be charged to Economic Development Fund and will be ultimately financed with TIF revenues.

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The City's Law Department has reviewed the resolution and letter of intent, as to form. The actual establishment of the redevelopment district will not be effective until the City Council adopts an ordinance for that purpose, following the aforementioned public hearing. The Board of County Commissioners and the Board of Education for USD 259 will have 30 days following the public hearing to determine whether it will have an adverse impact and therefore veto the establishment of the district.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Pisciotte moved that the developer Letter of Intent be approved and the Resolution providing notice of a public hearing on the establishment of a redevelopment district in the Kellogg and Oliver area and setting the public hearing for 9:00 a.m. or thereafter on April 15, 2003 be adopted. Motion carried 7 to 0.

-- carried

RESOLUTION NO. 03-104

A Resolution stating the City of Wichita is considering the establishment of a Redevelopment District for the Kellogg and Oliver Redevelopment District under authority of K.S.A. 12-1770 Et Seq., presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

WRECKER SERVICES EMERGENCY WRECKER SERVICES ORDINANCE AMENDMENT.

Gary Rebenstorf

Director of Law reviewed the Item.

Agenda Report No. 03-0195

Emergency Wrecker Companies have requested clarification regarding the types of vehicles abandoned on the public roadway, which are required to be towed by wreckers on the Emergency Wrecker Rotation list.

The proposed amendment clarifies the types of vehicles which come within the provisions of the Emergency wrecker rotation list. The wrecker companies obligation is limited to only tow those vehicles, or portions of vehicles, which have a vehicle identification number.

Public works will assume responsibility for the removal of junk, debris and other items from the public roadways, which are not covered by the Emergency Wrecker Services Ordinances.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion -- carried

Knight moved that the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance amending Section 3.49.010 of the Code of the City of Wichita, Kansas pertaining to wrecker services and repealing the original of said Section, introduced and under the rules laid over.

CITYARTS FACILITY RELOCATION OF THE CITYARTS FACILITY.

Ray Trail

Director of Finance reviewed the Item.

Agenda Report No. 03-0196

The redevelopment of the East Bank area is necessitating the relocation of the CityArts facility within the next year. CityArts is a valuable public asset that includes:

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- A 23,000 square foot facility including outside kiln/furnace area,
- Eleven (11) specialized and fully equipped arts/crafts classrooms,
- Arts/crafts classes for more than 3,100 people annually,
- Artist gallery displaying fine art showcasing local artists, and a
- Group meeting venue supporting numerous annual special events

In determining an appropriate new location for CityArts, a number of factors must be considered, including: location to serve the entire city but with proximity to the artist community; replacement of existing space but also consideration of expansion potential to meet future needs; parking accommodations for general patrons and special loading/unloading requirements; cost for construction and ongoing operations; and funding resources to implement the plan without adversely impacting other capital efforts of the City.

A number of potential sites were reviewed with the City Council at the February 25, 2003 workshop: former Carnegie Library/Omnisphere, Police Property & Evidence building, former Carleton School, Watkins Steel Property, former Linwood School, former Magdallen School, Design Center building, and existing structures in Old Town.

Each of these facilities was not deemed suitable as failing to meet one or more of the criteria (location, space, parking, cost and financing resources). The City Council indicated interest in pursuing one remaining and preferred option – construction of new CityArts space on the Cinema Old Town Plaza. This option is outlined in this report.

New CityArts Space on the Cinema Old Town Plaza

A unique opportunity is available to construct new CityArts space as part of a new commercial structure on the northeast corner of the Cinema Old Town Plaza. The Developers are currently planning, but have not started, construction of a new 40,000 square foot, two-story building. It is possible to expand this structure to a third floor affording an additional 27,000 square feet of space on the north end for a three-story CityArts addition (9,000 square feet per floor). The building would be condominiumized so that CityArts space would be City-owned and have a discrete footprint as to ground and structure. This central location will be highly visible enabling CityArts to effectively market its programs. It is also in close proximity to other elements of the arts community in Wichita. The space can be designed to optimize functional use (rather than adapting to an existing building), and current as well as future space needs of CityArts would be addressed. Off-street parking and loading/unloading requirements would be met.

While presenting what may be the best opportunity to meet all CityArts needs, this option does require a unique and complex mix of funding resources and first-ever financial initiatives. The plan would provide for the following:

- The City would purchase approximately one-third of the building site from the Developers.
- The City would join with the Developers in a construction contract with the existing Cinema Old Town Plaza contractor to construct the CityArts space concurrently with the Developers' commercial space.
- To initiate the entire construction project sooner than planned by the Developers but necessary for CityArts, the City would underwrite an interim financing loan for the Developers' portion of the project. This loan would be at a commercial loan rate with a time specific take-out and backed by the collateral of the entire land/building, as well as personal guarantees from the Developers. To make this loan, the City would use internal service funds, not required to meet immediate obligations and that currently realize an investment rate of return lower than commercial loan rates, to pay the development costs (booked as an expenditure) pending reimbursement. The internal service funds are made whole upon repayment, and the City earns interim financing interest income greater than the City would otherwise earn on these funds to apply toward the City's capital expenses for CityArts.
- The City would have the lease income from the lease of the former Farm & Art Building to the Museum of Ancient Treasures to partially offset costs for relocation of the CityArts.

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The City can also dedicate certain Cinema Old Town Plaza revenue sources to finance the remainder of the City's costs without adverse consequence to any existing projects in the Capital Improvement Program. The Cinema Old Town Plaza revenue streams include: a) new Cinema Old Town Plaza tax increment from the increase in private construction over and above earlier estimates; b) Cinema Old Town Parking Garage retail lease income not previously incorporated into revenue projections; and c) sale of City land under the southeast commercial building nearing completion on the Cinema Old Town Plaza.

Early action on this proposal would be timely for two reasons. It would allow the construction to proceed so that CityArts would be positioned to relocate as the redevelopment of the East Bank proceeds. It would also allow the exterior shell of the new building to be substantially complete before the Cinema Old Plaza officially opens this summer, thereby avoiding unnecessary construction clutter on the Plaza during the crucial initial months of Plaza operations.

The estimated costs of the proposed CityArts project is \$185,000 to purchase the building site, \$2,300,000 for construction, and \$200,000 for design and miscellaneous expenses. The estimated principal amount of the interim financing to the Developers is \$3,500,000.

The bonding resolution for City costs on the project and the Developer interim financing agreement document will be subject to approval as to legal form by the City Attorney.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Fearey moved that the project and land acquisition be approved; the Resolution be adopted; Staff be authorized to negotiate with the developer the terms and conditions of the interim financing Agreement within perimeters; and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

RESOLUTION NO. 03-105

A Resolution of the City of Wichita, Kansas for relocation of the CityArts Facility, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

ANGLE PARKING

REVIEW OF ANGLE PARKING: EATON BLOCK.

Terry Cassady

Development Assistance Coordinator reviewed the Item.

Agenda Report No. 03-0197

MetroPlains Development, the Eaton Place developer, requested that the City implement one-hour restricted angle parking along the south side of the 500 block of East Douglas Avenue. The purpose of the change was to provide more parking spaces than were currently available with parallel parking to serve commercial businesses located in the renovated Eaton Hotel block. The angle parking configuration produced 22 spaces in lieu of the 9 parallel stalls. The City Council approved MetroPlains' request on a six-month trial basis beginning on January 2001. The Council's action in 2001 was to continue angle parking in this block (south side) another 12-months to fully evaluate the impact of having the commercial/retail space fully leased and served, OR, until such time as additional parking in this area becomes available.

Seventy-eight percent of the commercial space in the development is currently leased. This includes the Eaton Hotel lobby and ballroom which are leased to Larkspur for banquet/event facilities. Four spaces totaling 6,500 square feet are remaining for lease in the development. Additional leases are being negotiated for tenant occupancy of these spaces in the near future. According to MetroPlains Development, access to these parking spaces continues to be critical both as a leasing tool and a service to customers of the commercial spaces in Eaton Place. The psychology of retailing is that customers choose to shop where they can park as close to the door as possible. This amenity, which is usually only possible in small centers such as Eaton Place, is a requirement of prospective tenants. Because not all of

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the commercial tenant spaces have been leased, it is difficult to determine the full impact of angle parking in this locale.

The Eaton Place Manager has indicated that the restricted angle parking is being well enforced by the Wichita Ambassadors. This is keeping the spaces turning over on a regular basis and available for customers. This strict enforcement is forcing the Eaton Place residential tenants who were inclined to take advantage of the convenient free parking spaces to use parking in the lot/garage which was constructed for residential tenant parking south of the Eaton block.

According to the Wichita Police Department, there has been no significant change in the number of traffic accidents in the 500 block of East Douglas Avenue that can be directly attributed to the angle parking. The area analyzed included the 400 and 500 blocks of East Douglas including the intersections of Douglas/Emporia and Douglas/St. Francis. The 400 block was included in the analysis as this is the block where eastbound traffic merges into the center lane in order to avoid vehicles parked in the angle parking stalls. Accident summaries were compiled for the years 1998 through 2002. Total accidents in these areas for 1998 were 24; 1999 were 15; 2000 were 11 (no parallel parking was available due to Eaton block construction); for 2001 were 20; and for 2002 were seven.

Challenges cited with the angle parking include the directional striping on eastbound Douglas at Emporia which indicates that vehicular traffic proceeding through the Douglas/Emporia intersection must merge to the center lane to avoid vehicles parking in the angle stalls. One of the problems is that many drivers fail to merge into the center lane; instead they continue eastbound through the Douglas/Emporia intersection creating two driving lanes where only one exists. This can potentially cause problems with vehicles backing out of the angle parking stalls on the south side of Douglas. Improved directional striping could ease this problem. In the future, if angle parking is made permanent, some consideration of constructing an indentation into the sidewalk area (reducing the width of the sidewalk) to allow for extending the parking further from the driving lane.

No financial considerations exist for the City unless the directional striping on Douglas is repainted.

The City Council has the legal authority to determine parking configurations in the city.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

-- carried

Fearey moved that the one-hour restricted angle parking on the south side of Douglas be continued for an additional 12-months. Motion carried 5 to 2. Lambke, Martz – No.

FRONTIER AIRLINES TRANSPORTATION SERVICES - FRONTIER AIRLINES.

Bailess Bell

Director of Airports reviewed the Item.

Agenda Report No. 03-0250

In September of 2002, the City entered into an agreement with Mesa Air Group to provide regional jet services in the Wichita/Denver market doing business as Frontier Jet Express.

The Frontier Jet Express arrangement with Frontier is in the process of being terminated by Frontier; and, subsequently, the arrangement between Mesa and the City will be terminated. To continue the service, the City and Frontier have agreed upon a one-year arrangement for the City to guarantee revenues for the service, effective March 1, 2003.

The City will guarantee revenues to Frontier amounting to the cost of each one-way trip to/from Denver (\$3,068). The total amount of payments toward the revenue guarantee will not exceed \$900,000 during the one-year term of the agreement. The source of funding for the \$900,000 is General Fund Reserve.

Both the Mesa Air Group and the City agree to terminate the agreement between the City and Mesa, effective February 28, 2003. The City will enter into a replacement agreement with Frontier, effective March 1, 2003.

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- Mayor Knight Mayor Knight inquired if anyone wished to be heard.
- Pete Austin Airline employee said warmer weather will not fix subsidy requirement. Jet fuel prices are soaring, there is a sluggish economy, and airline carriers are going bankrupt. Prices for airfares would come down whether or not there were subsidies.
- Mr. Austin questioned whether the City was auditing airline books or whether the airlines could “cook the books.”
- Mayor Knight Mayor Knight said the Fair Fares Campaign is working and Mr. Austin is incorrect on some points.
- Council Member Fearey Council Member Fearey said United Airlines might close Denver as its hub. Wichita needs to have a hub for citizens to fly to Denver.
- Council Member Pisciotte Council Member Pisciotte said if it were not for Council action, Wichita would not have airlines and airfares available today. Council Member Pisciotte asked that the City Council try to envision community negatives if it did not have these airlines.
- Council Member Martz Council Member Martz said when an airline is lost, other airlines tend to raise fare rate. If the City does not maintain reasonable airfares, it will not attract new businesses and will continue to lose those the City now has.
- Council Member Gale Council Member Gale asked that, if possible, the Agreement be modified for the City to accrue credits during profitable months.
- Motion -- Knight moved that the Agreements be approved and the necessary signatures be authorized. Motion
-- carried carried 6 to 1. Lambke – No.
- (Addendum 10A) (This Item was taken up earlier in the meeting; action is shown in Agenda order.)
FIRE STATION #10 **LAND ACQUISITION FOR RELOCATION OF FIRE STATION #10. (District I)**
- Ray Trail Director of Finance reviewed the Item.
- Agenda Report No. 03-0254
- The City has undertaken a multi-year plan to relocate eight existing Fire stations and construct two new Fire stations. Fire Station #10, currently located on the southwest corner of 17th and Grove, is scheduled for relocation in 2004. The computer modeling of fire and emergency response has identified the 21st Street Corridor from just west of Grove to just west of Hillside as optimum for relocation of the station.
- City staff have worked with officials at Wichita State University to identify property along this segment of the 21st Street corridor and acquire the necessary site. The University has secured ownership of two tracts of land at the northwest corner of 21st Street and Chautauqua. The two tracts include a former nightclub and an adjacent residential property.
- As a University-City partnership for redevelopment, the University is offering to donate the larger tract (former nightclub) and sell the residential property at their cost of acquisition (\$50,335). The University’s participation has not only substantially lowered the cost for the station location but also expedited the process so the new station can be constructed sooner.
- Funding for the land costs and subsequent station construction is included in the adopted Capital Improvement Program.
- Mayor Knight Mayor Knight inquired if anyone wished to be heard and no one appeared.

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Motion -- Brewer moved that the land acquisition be approved; the Bond Resolution be adopted; Staff be authorized to issue a Request for Proposals (RFP) for architectural design services; and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

RESOLUTION NO. 03-106

A Resolution determining the advisability of making certain public improvements in the City of Wichita, Kansas, and setting forth the general nature and the estimated cost of such improvements, authorizing and providing for the making and financing of the improvement in accordance with the Findings of the governing body; and directing the publication of this Resolution, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

CITY COUNCIL AGENDA

NAMING PARK

NAMING OF PARK LAND AT 2700 SOUTH WASHINGTON. (District III)

Chris Cherches City Manager reviewed the Item.

Agenda Report No. 03-0198

City Council Policy 13 provides for the procedure for naming public facilities. The policy calls for a seven-member committee consisting of residents appointed by the Mayor and City Council to formulate the recommendation prior to City Council consideration.

The City received two acres of property in a land trade with the School District. This land is being designated for open space purposes. It was formerly the location of Greiffenstein Elementary School.

The Park Board met on January 13, 2003, and approved a motion to have this proposed park named for a former member of the Park Board, Leon Robinson. Mr. Robinson served on the Park Board from June 1999 to August 2001 and died while in office. Mr. Robinson also retired from the City of Wichita after working for over 20 years.

The Park Board also requested that it be considered the on-going official naming committee.

There are no financial considerations.

Mayor Knight Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion -- Knight moved that the Park Board be the official Naming Committee for Parks and recommend a name for this park. Motion carried 7 to 0.

-- carried

(Addendum 11A)

EMERGENCY PLAN

EMERGENCY PLANNING. (REQUESTED BY MAYOR KNIGHT)

Presentation by Randy Duncan, Director Sedgwick County Emergency Management, and Jerry Frantz, Interim Director of Health Department.

Randy Duncan Director of Sedgwick County Emergency Management discussed Community Readiness.

Community Readiness is about evaluations and partnerships. Emergency services from the City and County work closely together to ensure readiness.

Community Strengths – cooperative governments, long-standing operational partnerships, well-trained responders, combined communications architecture, consolidated command and control, substantial community resources, solid planning structures, experience under fire.

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WMD Training and Equipment have been received.

New Procedures and Capabilities – added risk assessment tools, improved field chemical-biological response, enhanced physical and operational security.

Public Outreach – ready to respond, local media support, private partners.

Jerry Frantz

Interim Director of Health Department spoke regarding Medical Readiness.

Mass Care for the Public – coordinated medical response will decrease death and suffering in the event of a weapons of mass destruction incident.

Medical Readiness – response initiatives, improved operation, distribution capacity, plans in work, small pox update.

Response Initiatives – Metropolitan medical response system and CDC public health bioterrorism outcome goals, a map showing 61 distribution sites is available in the Feist telephone book, pharmaceutical distribution, improved operations, equipment training exercises, communications plans and protocols.

Each of the 61 sites will be identified with a special emblem.

Bob Lambke

Sedgwick County, responding to questions, said vaccine stored here today is for several bioterrorism items. The only people served from the Wichita distribution system center will be Wichita/Sedgwick County people.

The national plan for smallpox is in three phases:

Phase I – Treat providers

Phase II - Treat and vaccinate first responders

Phase III – Makes vaccine available to general public.

It is not recommended that the general public be vaccinated for small pox. In case of a small pox outbreak, those around the outbreak will be vaccinated. Smallpox vaccine has a limited shelf-life.

The County will continue to be as aggressive as possible in pursuing local dollars for homeland defense.

Discussion

Discussion was had with many concerns expressed regarding the lack of information to the general public regarding the Plan.

Randy Duncan

Randy Duncan said it was thought the process of communication was being engaged at the present time. Mr. Duncan said he would go back and see if there are ways to accelerate the process.

LaTricia Harper

Public Information Officer said information would be provided at the March 18, 2003, City Council meeting.

APPOINTMENTS

BOARD APPOINTMENTS.

Motion --

-- carried

Knight moved that the appointments of James Housen, Airport Board (Brewer), and Ann Corrison, Alternative Correctional Housing (Pisciotta) be approved. Motion carried 7 to 0.

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CONSENT AGENDA

Knight moved that the Consent Agenda, except Item 19 be approved as consensus items. Motion carried 7 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED MARCH 3, 2003.

Bids were opened February 14, 21 and 28, 2003, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications.

Water Distribution System for Southern Ridge Addition. (448-89765/735111)

Mies Construction - \$90,519.25

Storm Water Drain #190 to serve Hawthorne Addition - south of 21st Street North, east of 127th Street East. (468-83516/751321/485212) Does not affect existing traffic. (District II)

Pearson Excavating - \$445,455.00 (Negotiated at Engineer's estimate)

Water distribution system - Phase 2 to serve Eagles Landing at North Oliver Second Addition - south of 45th Street North, west of Oliver. (448-89650/735113/470783) Does not affect existing traffic. (District I)

McCullough Excavation - \$34,800.00

An extension of a left turn lane to serve the northbound left turn movements at Webb Road and Wilson Estates Parkway and a contingent northbound left turn lane on Webb Road to serve the proposed southern driveway. Provide a third lane on Wilson Estates Parkway between the first entrance and Webb Road, said lane being designed for dual eastbound lanes onto Webb at the intersection and transitioning to dual westbound lanes (one left turn only, on through) at the first entrance to the medical park. Prohibit left turns onto Wilson Estates Parkway from the eastern entrance by use of a directional raised median in the private drive entrance. Crosswalks across Wilson Estates Parkway at the first two entrances west of Webb Road on the north side to serve Wilson Estates Medical Park - south of 21st, west of Webb. (472-83676/765766/490877) Does not affect existing traffic. (District II)

Cornejo & Sons Inc. - \$173,552.20

Intersection Improvements at 13th Street North and Hydraulic. 472-83667 (706849)

Cornejo & Sons Inc. - \$451,006.70* (Corrected)

*Subject to KDOT approval

Chautauqua, from 26th to 27th Street North to serve Bruce Jones Addition and Agee Hunter Addition (south of 29th Street, west of Hillside) (472-83601/765741/490852) Traffic to be maintained during construction using flagpersons and barricades. (District I)

Cornejo & Sons Inc. - \$42,226.50

Seneca, from University to 3rd Street-Phase II Landscaping (north of Kellogg, west of McLean) (472-82966/706747/208228) Does not affect existing traffic. (District IV)

Wichita Electric - \$105,346.00

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White Tail/Tipperary from the southerly line of Lot 21, Block 1 to the east line of Lot 1, Block 3; White Tail from the south line of Tipperary to the south line of Lot 46, Block 1; Tipperary Circle from the east line of White Tail to and including the cul-de-sac; and White Tail Court serving Lots 26-31, Block 1. A 5 foot sidewalk to be installed on the north and west line of Tipperary/White Tail to serve Balthrop 4th Addition - north of Central, west of K-96. (472-83469/765759/490870) Does not affect existing traffic. (District II)

Kansas Paving Company - \$207,000.00

Traffic signal at the Intersection of Webb and Wilson Estates Parkway to serve Wilson Estates Medical Park - south of 21st Street South, west of Webb. (472-83677/765767/490878) Traffic to be maintained during construction using flagpersons and barricades. (District II)

Phillips Southern Electric - \$83,211.00

Lateral 40, District T, Sanitary Sewer #12 to serve Power CDC Second Addition - north of 25th Street North, west of Grove. (468-83572/743970/480658) Does not affect existing traffic. (District I)

McCullough Excavating - \$48,350.00

Water distribution system to serve Power CDC Second Addition - north of 25th Street North, west of Grove. (448-89762/735107/470777) Does not affect existing traffic. (District I)

McCullough Excavating - \$28,000

Water distribution system to serve The Waterfront Addition - north of 13th Street North, east of Webb. (448-89768/735110/470780) Does not affect existing traffic. (District II)

Mies Construction - \$164,701.00

Knight moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

WATER & SEWER DEPARTMENT/SEWAGE TREATMENT DIVISION: Vehicle Propeller Pump Bowl Assembly. (184199)

JCI Industries Inc. - \$28,785.00 (Total net bid)

WATER & SEWER DEPARTMENT/SEWAGE TREATMENT DIVISION: Goulds' Impellers and Lines. (184119)

\$12,963.00 (Total net bid)

PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION: Kansas Sports Hall of Fame. (792381)

Compton Construction Corp. - \$734,624.00 (Base bid)
\$ 7,323.00 (Group 1/alternate bid 1)
\$ 3,347.00 (Group 1/alternate bid 2)
\$ 3,516.00 (Group 1/alternate bid 3)
\$ 10,000.00 (Group 1/alternate bid 4)
\$ 5,156.00 (Group 1/alternate bid 5)
\$ 3,500.00 (Group 1/alternate bid 6/
negotiated to Engineer's estimate)
\$ 39.00 (Group 1/alternate bid 8 unit price)
\$ -<39.00> (Group 1/alternate bid 9 unit price)

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PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION: Wichita Art Museum – Graphics/Signage. (792339)

Fluoresco Lighting - \$153,188.22 (Total net bid)

WATER & SEWER DEPARTMENT/PRODUCTION & PUMPING DIVISION: One-Million Gallon Northeast Elevated Storage Tank. (633758)

Landmark Structures ILP. - \$1,748,200.00(Total net bid/group 2)
G C Construction Co., Inc. - \$188,376.00 (Total net bid/group 3)

WATER & SEWER DEPARTMENT/WATER DISTRIBUTION DIVISION: Replace Fifty-Two (52) Consumer Lines. (634006)

Mies Construction Inc. - \$42,640.00 (Total net bid)

WATER & SEWER DEPARTMENT/WATER DISTRIBUTION DIVISION: Replace Meter Box Adjust Service Lines. (188433)

McCullough Excavation - \$16,500.00 (Total net bid)

PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION: Security System for Alford Library. (792372)

\$21,990.00 (Total net bid)

PARK DEPARTMENT/RECREATION DIVISION: Concrete Pathway Improvements. (785036)

Barkley Construction - \$38,628.84 (Total net bid)

WATER & SEWER DEPARTMENT/SEWAGE TREATMENT DIVISION: Limitorque Motor Actuator. (184754)

Mead Obrien Inc. - \$44,064.00 (Total net bid)

Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

CMB

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2003</u>	<u>(Consumption on Premises)</u>
Maria E. Romero Linda J. Brill	Angela's Café* Uncle Russell's BBQ*	901 East Central 1548 Ida
<u>New Establishment</u>	<u>2003</u>	<u>(Consumption on Premises)</u>
Wayne R. Larson	Sierra Hills Golf Club	13420 East Pawnee
<u>New Establishment</u>	<u>2003</u>	<u>(Consumption off Premises)</u>
Steven D. Byers	C.B.'s Express, Inc. #1	1925 West 21st Street North

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion --
-- carried

Knight moved that the licenses be approved subject to Staff review and approval. Motion carried 7 to 0.

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PLANS AND SPECS. SUBDIVISION PLANS AND SPECIFICATIONS.

There were no Subdivision Plans and Specifications submitted.

PRELIMINARY ESTS. PRELIMINARY ESTIMATES:

- a) Zoo Boulevard Bikepath from Central Avenue to Westdale - Zoo Boulevard north of Central. (87 TE-0159-01/472-83442/706832/202298) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$669,208.70
- b) 44th Street South, from the west line of Hoover Road, east to the east line of Lot 12, Block C; 44th Court South (Lots 8 through 31, Block A) from the north line of 44th Street South, north to and including the cul-de-sac; and (Lots 22 through 35, Block A) from the north line of 44th Street South, north to and including the cul-de-sac to serve Gray's 5th Addition - north of 47th Street South, east of Hoover. (472-83552/765758/490869) Does not affect existing traffic. (District VI) - \$272,000.00
- c) Water distribution system to serve Tara Falls Addition - south of Harry, west of 127th Street East. (448-89738/735105/470775) Does not affect existing traffic. (District II) - \$64,000.00
- d) Lateral 340 Four Mile Creek Sewer to serve Tara Falls Addition - south of Harry, west of 127th Street East. (468-83526/743968/480656) Does not affect existing traffic. (District II) - \$132,000.00
- e) Lateral 40 Main 24 War Industries Sewer to serve The Waterfront Addition - north of 13th Street North, east of Webb. (468-83553/743974/480622) Does not affect existing traffic. (District II) - \$221,000.00
- f) Lateral 1 Main 5 Northwest Interceptor Sewer to serve Liberty Park & Heritage Baptist Church - north and south of 13th Street North, east of 135th Street West. (468-83528/743969/480657) Does not affect existing traffic. (District V) - \$285,000.00
- g) (Amended) - cost of Lateral 329, Four Mile Creek Sewer to serve Samra Second Addition - north of Central, west of Greenwich, (District II) - \$87,000.00

Motion --carried Knight moved that the preliminary estimates be approved. Motion carried 7 to 0.

DEEDS/EASEMENTS DEEDS AND EASEMENTS:

- a) Utility Easement dated January 28, 2003 from Jay W. Russell for a tract of land located in the Northwest Quarter of Section 27, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas (Basin 4, OCA #624054). No cost to City.
- b) Utility Easement dated January 28, 2003 from RRGNL, L.L.C. for a tract of land located in Lot 1, Block A, Ridge Port Commercial Park, Wichita, Sedgwick County, Kansas (Basin 4, OCA #624054). No cost to City.
- c) Utility Easement dated January 28, 2003 from RRGNL, L.L.C. for a tract of land located in the Southwest Quarter of Section 34, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas (Basin 4, OCA #624054). No cost to City.
- d) Utility Easement dated January 28, 2003 from R & R Realty, L.L.C. for a tract of land located in the Northeast Quarter of Section 33, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas (Basin 4, OCA #624054). No cost to City.

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- e) Utility Easement dated February 10, 2003 from Kick 'N' Development Corp. for a tract of land located in Lot 3, Hoskinson 2nd Addition, Wichita, Sedgwick County, Kansas (Basin 4, OCA #624054). No cost to City.
- f) Sanitary Sewer Easement dated February 7, 2003 from Kale and Thorene Roberts for a tract of land located in the Southwest Quarter of Section 21, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas (Socora Sewer, OCA #743945). No cost to City.
- g) Utility Easement dated February 8, 2003 from Earl J. Smith and Betty L. Smith for a tract of land located in the Northwest Quarter of Section 34, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas (Basin 4, OCA #624054). No cost to City.
- h) Sanitary Sewer Easement dated November 5, 2002 from Marian E. Teall for a tract of land located in the Southwest Quarter of Section 2, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas (Project, OCA #). No cost to City.
- i) Easement dated January 24, 2003 from Ron Smith, of Smith and Company for a tract of land located in Lot 2, Smithmoor Commercial Addition, to Wichita, Sedgwick County, Kansas (Private Project, OCA #607861). No cost to City.
- j) Public Street and Utility Easement dated January 14, 2003 from Unified School District 259 for a tract of land located in Matthewson Manor Second Addition to Wichita, Sedgwick County, Kansas (Private Project, OCA #607861). No cost to City.
- k) Utility Easement dated January 10, 2003 from Dewitt Land Company, Inc., a Kansas Corporation for a tract of land located in Lot 5, Block 3, Burnham Industrial Addition to Wichita, Sedgwick County, Kansas (Private Project, OCA #607861). No cost to City.

Motion -- carried

Knight moved that the documents be accepted. Motion carried 7 to 0.

BOARDS MINUTES

MINUTES OF ADVISORY BOARDS/COMMISSIONS:

Police & Fire Retirement System, November 20, 2002, and December 18, 2002
Board of Code Standards and Appeals, January 6, 2003
Board of Park Commissioners, January 13, 2003
Board of Electrical Appeals, January 14, 2003
Wichita Public Library, January 21, 2003
Wichita Airport Advisory Board, December 2, 2002
Wichita Employee's Retirement Board Police & Fire Retirement Board, January 2, 2003
Design Council, January 16, 2003
Housing Advisory board, January 21, 2003
Board of Park Commissioners, January 27, 2003

Motion -- carried

Knight moved that the minutes be received and filed. Motion carried 7 to 0.

STREET CLOSURES

CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures submitted.

(Item 19)

FIN. REPORT

QUARTERLY FINANCIAL REPORT FOR THE PERIOD ENDED DECEMBER 31, 2003.

Mayor Knight

Mayor Knight said he hoped citizens have some appreciation of how financial responsibilities are being handled.

Motion --

Knight moved that the Report be received and filed. Motion carried 7 to 0.

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WEAPONS

WEAPONS DESTRUCTION:

Agenda Report No. 03-0199

The Police Department has requested authorization to destroy several weapons which have been confiscated in criminal activity but are no longer needed as evidence.

City Code provides that weapons seized in connection with criminal activity shall be destroyed or forfeited to the Wichita Police Department. All transactions involving weapon disposal must have prior approval of the City Manager. A list of weapons being destroyed has been provided (attached), and includes a total of 80 handguns and 39 long guns. The destruction of the weapons will be witnessed and monitored by Staff.

There are no financial considerations.

Upon review by the City Council, the necessary court documents will be prepared to proceed with destruction of the listed weapons.

Motion --carried

Knight moved that the list of weapons be received and filed. Motion carried 7 to 0.

CLAIMS ALLOWED

REPORT ON CLAIMS ALLOWED – JANUARY - 2003:

<u>Name of Claimant</u>	<u>Amount</u>
Bliss, Ronald	\$722.31
Kansas Gas Svc.	\$375.08**
Kansas Gas Svc.	\$350.78**
Organ, Tracey Elliott	\$220.00
Pace Setter Excavating, LLC	\$239.17
Smith, Vaughn	\$240.00
Sutterfield, Larry	\$150.00
Vant Leven, Hubert	\$378.00

** Settled for lesser amount than claimed.

Motion --carried

Knight moved that the Report be received and filed. Motion carried 7 to 0.

REMINGTON PLACE

CONSTRUCTION ENGINEERING AND STAKING FOR REMINGTON PLACE ADDITION – EAST OF WEBB, SOUTH OF 21ST STREET. (District II)

Agenda Report No. 03-0200

The City Council approved the project on April 24, 2001. On February 11, 2003, the City approved an Agreement with Professional Engineering Consultants, P.A. (PEC) to design the improvements. The Design Agreement with PEC requires PEC to provide construction engineering services if requested by the City.

The proposed Supplemental Agreement between the City and PEC provides for construction engineering and staking for the improvements in Remington Place Addition. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering for this project.

Payment will be on a lump sum basis of \$39,600 and will be paid by special assessments.

Motion --

-- carried

Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

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REED'S COVE

CONSTRUCTION ENGINEERING AND STAKING FOR REED'S COVE & REEDS'S COMMERCIAL ADDITIONS – SOUTH OF 21ST STREET, EAST OF 127TH STREET EAST. (District II)

Agenda Report No. 03-0201

The City Council approved the project on January 7, 2003. On January 14, 2003, the City approved an Agreement with MKEC Engineering Consultants, Inc. (MKEC) to design the improvements. The Design Agreement with MKEC requires MKEC to provide construction engineering services if requested by the City.

The proposed Supplemental Agreement between the City and MKEC provides for construction engineering and staking for the improvements in Reed's Cove & Reed's Commercial Additions. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering for this project.

Payment will be on a lump sum basis of \$140,100 and will be paid by special assessments.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
Motion carried 7 to 0.

ENGINEERING SER.

CONSTRUCTION ENGINEERING SERVICES FOR SENECA FROM 31ST STREET SOUTH TO MCCORMICK. (District IV)

Agenda Report No. 03-0202

On February 8, 1994, the City entered into an Agreement with MKEC Engineering Consultants, Inc. (MKEC) for the design of improvements to Seneca from 31st Street South to McCormick.

MKEC was asked to reset section corners at the intersection of Seneca and 31st Street and register the necessary paperwork with the State. A Supplemental Agreement has been prepared for the additional engineering services.

Payment will be on a lump sum basis of \$3,500 and will be paid by General Obligation Bonds.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
Motion carried 7 to 0.

RIVERSIDE PARK

AMENDMENT - IMPROVEMENTS TO RIVERSIDE PARK. (District VI)

Agenda Report No. 03-0203

On November 14, 2000, City Council approved an agreement with Wilson Darnell Mann P.A. (WDM) to design improvements in the Riverside Park System.

Additions to the Scope of Work in the WDM contract has been divided into two separate Contract Amendments because the additions involve two totally different kinds of work with two separate funding sources. In both cases the actual work has already been done in the course of getting the total project completed and bid.

(Amendment Number Two) Improvements to Park Villa for handicapped accessibility were approved as a CDBG funded project for 2002. This work was later added to the Riverside Park project but bid separately.

(Amendment Number Three) The Nims Street Roundabout was bid as a separate project September 13, 2002, in hope of getting it completed by year-end, but all bids were rejected for being over the Engineer's estimate. The drawings were revised to include the Murdock Street roundabout and

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modifications to Stackman Drive, and new bids were received December 12, 2002. All bids were rejected a second time. The drawings were revised once again to include additional work and bids were received for the third time on January 10, 2003.

(Amendment Number Two) Design of the Park Villa improvements was given to WDM after it was approved for CDBG funding because of their existing contract for Riverside Park Improvements and the City's desire that anything done at Park Villa be aesthetically compatible with the other park features WDM was designing.

(Amendment Number Three) WDM was directed to increase the scope of work to be included in the street and paving documents prior to both the first and second re-bid in order to create a more fair bidding environment for all the contractors after they had already seen each others earlier bids.

(Amendment Number Two) The WDM fee of Six Thousand Five Hundred Dollars (\$6,500) constitutes complete payment and will be paid from CDBG funds approved for Park Villa.

(Amendment Number Three) The WDM fee of Fourteen Thousand Five Hundred Dollars (\$14,500) constitutes complete payment and will be paid from previously approved project funds.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
Motion carried 7 to 0.

ENV. HEALTH

ENVIRONMENTAL HEALTH AIR SAMPLES ANALYSIS.

Agenda Report No. 03-0204

The Air Quality Program of the Department of Environmental Health collects air samples to help determine air quality in the urban area as part of a EPA/KDHE national monitoring network for air toxics. The monitoring samples are sent to a contract analytical laboratory for detailed analysis. A new contract is needed to continue the program.

Three laboratories have responded to request for proposals to provide this service. There were no local qualified laboratories for this service. A staff committee, with technical assistance from the Kansas Department of Health & Environment (KDHE), reviewed the proposals and recommends Air Toxics Limited. This firm provided the best cost and service level of the three laboratory proposals.

Funding is budgeted and available in the amount of \$15,000 to cover the service costs through EPA/KDHE grants.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
Motion carried 7 to 0.

KS FOOD BANK

AMENDMENT - KANSAS FOODBANK WAREHOUSE, INC.

Agenda Report No. 03-0205

On July 1, 2002 the City Council approved the contract to provide funding to assist Kansas Foodbank Warehouse in construction of the new warehouse.

The original contract limits activities to demolition and clearance only. After consultation with the project architect, the Kansas Foodbank Warehouse has determined additional site preparation is required. These include the relocation and reconstruction of utilities, approaches from the street, public sidewalks, storm sewer inlets, water main/fire hydrants, sewer, cul de sac for street and hammerhead for alley.

The amendment has been negotiated with Kansas Foodbank Warehouse, Inc., which will allow the activities necessary to ready the site for the new Kansas Foodbank Warehouse.

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There is no change in the amount of approved CDBG funding for this project.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
Motion carried 7 to 0.

ERISS WEB

ERISS WEB APPLICATION RENEWAL.

Agenda Report No. 03-0206

The Workforce Investment Act (WIA) provides federal funds to enable local areas to establish unified workforce development systems and to provide workforce investment activities through those systems. The Workforce Alliance of South Central Kansas (WA) is the local board that provides policy direction for workforce investment activities in south central Kansas with the City of Wichita designated as the local fiscal agent for the WIA funds.

At its February 5, 2002 meeting, the City Council approved entering into a contract with the ERRIS Corporation to host a web site offering applications designed to assist local employers and jobseekers.

The contract was for a one-year period with options to renew. The WA and the ERRIS Corporation wish to renew the contract for a six (6) month period for \$44,310. Under the renewed contract the ERRIS Corporation will continue to host the web site and make available to local employers and jobseekers the following applications: USWorks for Professionals, Business Online, USWorks for Jobseekers, and USWorks Messenger.

Contract costs will be paid with WIA funds and no City general operating funds will be obligated.

The Department of Law will approve as to form any contract renewal document before signatures are obtained.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
Motion carried 7 to 0.

DESIGN SERVICES

AGREEMENT FOR DESIGN SERVICES - BALTHROP FOURTH ADDITION – NORTH OF CENTRAL, WEST OF K-96. (District II)

Agenda Report No. 03-0207

The City Council approved the project on January 15, 2002.

The proposed Agreement between the City and Professional Engineering Consultants, P.A. (PEC) provides for the design of bond financed improvements in Balthrop 4th Addition. Per Administrative Regulation 7a, staff recommends the selection of PEC as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$31,000, and will be paid by special assessments.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
Motion carried 7 to 0.

DESIGN SERVICES

AGREEMENT FOR DESIGN SERVICES - THE WATERFRONT ADDITION – NORTH OF 13TH STREET, EAST OF WEBB. (District II)

Agenda Report No. 03-0208

The City Council approved the project on February 11, 2003.

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The proposed Agreement between the City and Mid-Kansas Engineering Consultants, Inc. (MKEC) provides for the design of bond financed improvements in The Waterfront Addition. Per Administrative Regulation 7a, staff recommends the selection of MKEC as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$163,510, and will be paid by special assessments.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
Motion carried 7 to 0.

DESIGN SERVICES

AGREEMENT FOR DESIGN SERVICES - STREETS NORTH OF KELLOGG, WEST OF 119TH STREET WEST. (District V)

Agenda Report No. 03-0209

The City Council approved the project on January 7, 2003.

The proposed Agreement between the City and Certified Engineering Design, P.A. provides for designing streets in an area north of Kellogg, west of 119th Street West. The Staff Screening & Selection Committee selected Certified Engineering for the design on January 31, 2003.

Payment will be on a lump sum basis of \$19,954 and will be paid by special assessments.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
Motion carried 7 to 0.

DESIGN SERVICES

AGREEMENT FOR DESIGN SERVICES - SOUTHERN RIDGE ADDITION - SOUTH OF PAWNEE, WEST OF MAIZE. (District IV)

Agenda Report No. 03-0210

The City Council approved the project on December 17, 2002.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements in Southern Ridge Addition. Per Administrative Regulation 7a, staff recommends the selection of Baughman as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$101,700, and will be paid by special assessments.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
Motion carried 7 to 0.

DESIGN SERVICES

AGREEMENT FOR DESIGN SERVICES - TYLER'S LANDING ADDITION - SOUTH OF 37TH STREET NORTH, EAST OF TYLER. (District V)

Agenda Report No. 03-0211

The City Council approved the project on January 7, 2003.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements in Tyler's Landing Addition. Per Administrative Regulation 7a, staff recommends the selection of Baughman as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

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Payment will be on a lump sum basis of \$90,800, and will be paid by special assessments.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
Motion carried 7 to 0.

VENDOR

EAST BANK REDEVELOPMENT DESIGN SERVICES.

Agenda Report No. 03-0212

In late 2001, the City issued a Request for Proposals (RFP) soliciting prospective private partners to complete the redevelopment of the East Bank area. On July 2, 2002, the City Council approved Riverwalk, L.L.C. as the preferred developer for the East Bank Redevelopment Area and authorized a Memorandum of Understanding and Agreement to Negotiate Exclusively (MOU) with the developer. Riverwalk, L.L.C.. The MOU established a basis for negotiating public and private obligations that would be set forth in the form of a development agreement for City Council consideration.

On August 13, 2002, the City Council approved a contract for preparation of the East Bank Master Plan, the cost of which was shared equally between Riverwalk, L.L.C. and the City. The purpose of the Master Plan was to more fully define the objectives, scope and potential costs of the overall redevelopment project being proposed.

On September 10, 2002, the City Council approved the East Bank Master Plan and Development Agreement.

Under the terms of the Development Agreement, the City is obligated to provide public improvements including acquisition of land, construction of a parking garage, waterway, riverbank improvements and Wichita Street turnaround. The approved Development Agreement requires the City initiate and complete construction of the public improvements within twenty-four (24) months of receipt of a Notice to Proceed by the developer.

In order to be positioned to meet this deadline, the City issued a competitive Request for Proposal (RFP) for design services for the public improvements on November 16, 2002. Notices were sent to 95 firms and the notice was posted on the City's e-Procurement web site.

A staff Screening and Selection Committee reviewed the Expressions of Interest and short-listed the three top firms. Three firms provided detailed proposals and were interviewed by the Screening and Selection Committee. The staff Screening and Selection Committee unanimously recommends the contract be awarded to the firm of Gossen Livingston Associates based on the following criteria:

- Affordable creativity
- Ability to construct project within budget
- Flexibility of design to accommodate public infrastructure and private redevelopment
- Favorable costs for design services
- Ability to coordinate between the public and private partners

Riverwalk L.L.C. reviewed the detailed proposals and unanimously recommend the firm of Gossen Livingston Associates for design services for the private development.

Payment will be on a lump sum basis with a total not to exceed cost of \$1,460,000. Funds are budgeted for design services in the approved East Bank Redevelopment budget.

The Design Services Agreement will be reviewed and approved as to form by the City Attorney.

Motion --
-- carried

Knight moved that the award and Agreement be approved; and the necessary signatures be authorized.
Motion carried 7 to 0.

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VENDOR

AERIAL PHOTOGRAPHY SERVICES.

Agenda Report No. 03-0213

With the high growth in Wichita over the past few years, new aerial photography is necessary to replace existing out-of-date aerial photography. Aerial photography is typically updated once every three years and serves as the base layer from which all other Geographic Information System (GIS) layers are created and maintained. Aerial photography is critical for updating GIS layers. There are many GIS users throughout the City who access the aerial photography on a daily basis. City departments also use aerial photography for a variety of projects and presentations.

Representatives from City departments who rely heavily on aerial photography were part of the Selection Committee that reviewed the 11 proposals. Current aerial photography is critical for the Water and Sewer Department for various reasons, including mapping and planning for future growth. The Planning Department also has an interest in aerial photography for specific areas adjacent to Wichita, as required by Federal Mandate to participate in the Metropolitan Planning Organization. Current aerial photography provides several advantages, including studies of growth and areas requiring transportation adjustments.

Since aerial photography is the base of all our GIS layers, the committee reviewed the proposals considering the "accuracy" criteria and the ability of the vendor to match our existing GIS layers. These were our most critical evaluation elements, while other criteria considered were cost, experience, and quality of work. Markhurd's proposal met all of the evaluation criteria; therefore, Markhurd was selected for the Aerial Photography Services.

The total expenditure for these services will not exceed \$159,000. The sources of these funds are the Water and Sewer Department and the Planning Department.

The Law Department will review and approve the contract as to form.

Motion --
-- carried

Knight moved that the selection of Markhurd for the Aerial Photography Services project be approved and the necessary signatures be authorized. Motion carried 7 to 0.

VENDOR

PURCHASE OF PARATRANSIT VANS.

Agenda Report No. 03-0214

Replacement of eighteen (18) paratransit vans and two (2) supervisor's support vans. The paratransit vans being replaced are 1995, 1996 and 1998 vintage vans, all with 150,000 to over 225,000 miles, and all having exceeded federal useful-life standards. The two specially designed ADA compliant supervisory vans will replace a 1993 van and a 1995 van-- both non-compliant ADA vehicles. These two supervisory vans will also be used for other ADA paratransit-related services, and act as spares for the paratransit van fleet. All vans comply with ADA standards, and are able to transport passengers in wheelchairs.

A Van Evaluation and Selection Committee reviewed all proposals. Each paratransit van proposal was evaluated on the following criteria, in order of importance: specification / design, price, product quality / support, delivery, and management plan. The supervisory vans were evaluated on price. Based on the above criteria, Kansas Truck Equipment Co., Inc. was selected for 18 paratransit vans, at a base price of \$48,940. The paratransit vans are built by El Dorado National, located in Salina, Kansas. The two different types of supervisory vans were also selected from Kansas Truck and Equipment, at \$ 32,155 (low floor minivan with wheelchair ramp) and \$ 32,835 (standard height van, lift equipped). Options are also available for up to five years for additional vans as may be required, for a combined total of 60 paratransit vans.

The total cost of 18 vans, 2 supervisory support vehicles, spare parts, proprietary tools and equipment is \$975,635. There are no City of Wichita funds involved in this purchase. Federal Transit

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Administration funding will cover 80% (\$780,508) of the total cost, and is secured. The other 20% (\$195,127) will be covered by Kansas Department of Transportation funds, of which the purchase of 11 paratransit vans are secured now, while the remaining 7 paratransit vans and 2 supervisory vans are subject to Wichita Transit's FY 2004 KDOT funding allocation, available in July 2003.

The City's Law Department will review and approve the contract as to form.

Motion --

Knight moved that the selection of Kansas Truck and Equipment Co., Inc., for the purchase of up to 18 paratransit vans and 2 supervisory vans, with associated support equipment, for \$975,635 be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

VENDOR

CITY WEB SITE CONTENT MANAGEMENT.

Agenda Report No. 03-0215

The City of Wichita web presence has reached a point where existing content cannot be well-managed. The City web site launched over four years ago with a few hundred pages. Today, encompassed by the 7 sites that are currently hosted, there are over 20,000 pieces of information. As citizen use of the site progressively increases (there were over 90,000 forms and documents downloaded by citizens in 2002 and well-over a million visits) it is imperative that the content provided is current and timely. A content management server will provide staff the ability to update, delete, and post new content within a template-based environment. Content Management will allow existing resources in Information Technology to reallocate time spent on managing content and allow them to create and deploy high value web applications and services. Additionally, it will place content creation and dissemination into the hands of those creating it.

Content Management will be tightly integrated into the new launch of the City of Wichita site releasing May 2003 and will provide better customer service while including vastly expanded functionality, ease of use, management, content, and features. This will allow staff the opportunity to update their web sites and add content without the need for html knowledge or any additional software. By moving to a site that is based on a database, new opportunities emerge such as providing multi-lingual support, site personalization, and an easier integration of e-commerce services. Content Management will provide Information Technology with an environment that allows the City to meet these goals.

Funds are available in the Information Technology Fund. The contract has a not to exceed amount of \$28,000.

Agreements which exceed \$10,000 require City Council approval.

Motion --

Knight moved that the selection of Software Spectrum be approved and that the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

DATASTREAM

DATASTREAM ASSET MANAGEMENT SYSTEM.

Agenda Report No. 03-0216

On January 7, 2003, the Datastream project was approved by Council. The Datastream project provides full asset management capabilities for the entire City Fleet (including Fire, Public Works, Transit and Airport), Buildings (Public Works, Transit and Airport), and full enterprise management of Airport operations. The software for the project has been purchased, and the handheld devices were not bought initially so further research could be done on the suitability of equipment.

After extensive investigation with WSCA pricing and other competitive vendors, the project committee has determined that the costs and services provided by Blue Dot Solutions, Inc., most fully meet the City's needs. Blue Dot Solutions, Inc. is a leading provider of mobile data collection and work order management software solutions.

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There are funds available for the change order in the Datastream Project Fund, cost not to exceed \$75,713.72.

Motion -- Knight moved that the Change Order be approved and the necessary signatures be authorized. Motion
-- carried carried 7 to 0.

CINEMA OLD TOWN CINEMA OLD TOWN PLAZA AND PARKING GARAGE.

Agenda Report No. 02-0217

The Cinema Old Town Plaza project is nearing completion. In final project review, it has been determined two changes would enhance the safety of the project for maintenance employees and the public.

The project is in compliance with design/construction codes. Two safety/maintenance enhancements, however, should be further addressed:

(1) Certain electrical equipment is contained within the parking garage, and is planned to be enclosed by chain-link fencing. Upon review this will present problems of possible vandalism through the fencing and water damage over time when the garage is periodically power-washed (the preferred method for cleaning). An improved solution would entail full enclosing the electrical units with cinder block walls and a roof to limit access and better protect the units. The net cost for this change is \$22,189, after a deduction for the chain link fencing of \$6,215.

(2) An underground vault was constructed to house the controls for the plaza water features and lighting. During maintenance this vault must be ventilated with portable fans, etc. A preferred safety feature for maintenance employees would be permanent venting so that equipment does not have to be brought to the site requiring twice the amount of time for daily maintenance activities.

The two change orders total \$25,429, and would be paid from Self-Insurance Risk Management/Safety funds.

Motion -- Knight moved that the Change Order be approved and the necessary signatures be authorized. Motion
-- carried carried 7 to 0.

FAREBOX ELECTRONIC FAREBOX REVENUE AND DATA COLLECTION SYSTEM.

Agenda Report No. 03-0218

Wichita Transit (WT) fixed-route buses employ a fare collection process which leaves passengers to their own honor system to pay the required fare for transport. Drivers of the buses are in a position by which they may view the fare payment by individual riders. However they are not able to verify if the amount entered in the money chute of the farebox is the required amount.

On return to the garage at the Operations Center in the evening, the vaults are recovered and securely stored by the maintenance staff. On the following day, two WT administrative staff employees are responsible for the transfer of fare revenues from the vaults for deposit purpose. These bags are picked up by a security service which then transports the revenues to the bank.

The bank counts the money and returns a slip to WT displaying the amount of deposit. This is the only method of accounting for the revenues delivered by the existing fare collection system. Quite often WT does not receive verification of the deposit for three or four days.

WT utilizes information drawn from farebox revenues in generation of reports and for planning routes and services. A more accurate system of revenue and data collection is needed to improve revenue collection, provide more secure cash handling processes, and improve the operational efficiencies and customer service of Transit.

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It is recommended that a new Electronic Farebox Revenue Collection and Data system be purchased. The reasons for the request are as follows:

1. Procurement and installation of an Electronic Revenue Farebox System would record and assure individual riders pay full fare, reducing the potential for fraud. Industry standards assess this immediate resolve to be capable of generating lost fares worth 10 to 20% of an average days revenue total.
2. Time involved by WT employees would be reduced from an average of twelve (12) hours per week to a maximum of five (5) hours, allowing dedication of more time to primary duties;
3. The system would present a more secured transfer of collection units from bus to bank;
4. Information stored on a database regarding fare types, time, and location would be useful in producing reports regarding ridership statistics. Such accuracy in report generation would also be useful in assessment of current bus routes and planning of future routes and services;
5. Electronic downloaded information on daily revenue from each collection unit would be immediately uploaded to the City's Performance Revenue system through the City network;
6. The existing farebox system will be employed for fare collection on WT's Paratransit service;
7. The system WT recommends will allow for future progression to alternate fare payment structures (i.e. electronic passes / smartcard capability).

The City's IT/IS Division and Wichita Transit released an RFP on July 25, 2002, which was drafted for a proposal process from vendors. The recommended system was requested to have the capabilities to provide a durable and secure, automated cashbox inventory system and revenue audit trail. The IT/IS Division and Wichita Transit recommend GFI Genfare of Elk Grove Village, Illinois, as the vendor for the electronic farebox solution.

This matter has been approved by the IT/IS Advisory Board.

Funding for the purchase of the electronic farebox system will be provided by Wichita Transit. The allocation of funds from within Transit's budget will be an FTA grant (80%) and local share match from a KDOT grant (20%). The entire cost for the system will not exceed \$880,000, which includes one free year of maintenance and support. A contract for on-going maintenance and support, after the initial year, in the amount of \$13,300 per year will be required as part of the farebox system acquisition and is funded through an FTA grant.

A contract and maintenance agreement for the procurement and support of the electronic farebox system will be negotiated with GFI Genfare by Purchasing, Wichita Transit, the IT/IS Division and the Law Department.

Motion --
-- carried

Knight moved that the purchase be approved; and the necessary signatures and fund transfers be authorized. Motion carried 7 to 0.

HOMELAND DEFENSE

HOMELAND DEFENSE READINESS CENTER. (District I)

Agenda Report No. 03-0219

The Kansas National Guard, in cooperation with the City, County, and Marine Reserve unit, is proposing to build a new Homeland Defense Readiness Center (formerly referred to as an Armory) in Wichita. The City and Sedgwick County are being requested to share in the cost of this facility with the ability to jointly use a portion of the building for community purposes.

The concept for the proposed new facility includes all aspects of emergency response preparedness that could provide the capability to train Law Enforcement, Fire, Communications, Emergency Management, Marine Reserve and National Guard. Under the arrangement, portions of the facility would also be available for community use when not needed for its primary purposes. The project will include the closure and consolidation of the existing Armories at 620 North Edgemoor and 3535 West Douglas into the new Readiness Center. The West armory will revert to the City when construction on

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the new facility is completed and accepted. The East armory will remain under control of the Kansas Military Board.

On June 18, 2002, the City Council approved the Capital Improvement Project and authorized design work for the facility. The site for the new Readiness Center is proposed for location on City-owned land at I-135 Highway and East 29th Street North, west of Hillside and south of K-96 Highway. The site meets the requirements for the facility and has adjacent land for future expansion, if required.

The National Guard must have a firm commitment on the proposed site from the City (long-term lease or deed) to meet funding and federal approval obligations. The proposed twenty-seven acre site was purchased with federal Community Development Block Grant (CDBG) funds. Federal rules prohibit transfer of the property to the National Guard without repayment of current fair market value of the land to the CDBG program. The appraised value of the land is \$185,000.

An acceptable method to HUD is the "donation" of local funding in the amount of \$185,000 from locally funded street improvements to the CDBG program. A similar funding mechanism has been used in the past (e.g. Day Reporting Facility).

The action requires the transfer of \$185,000 from 2003 general fund street repairs to the 2002-2003 CDBG street repair program.

HUD rules require the City publish for comment the proposed change in use of the Grove Park land to land to be used for the Homeland Defense Readiness Center. The 2002-2003 One-Year Action Plan must be amended to add the street improvements.

Motion -- Knight moved that the transfer of \$185,000 in local funds to the CDBG Street Improvement program be approved; the initiation of the public comment period for the proposed change of use of the real property; and submission of an amendment to the 2002-2003 One-Year Action Plan to HUD, be authorized. Motion carried 7 to 0.

-- carried

CSBG

2003 COMMUNITY SERVICES BLOCK GRANT APPLICATION.

Agenda Report No. 03-0220

The Community Services Block Grant (CSBG) is administered by the U.S. Department of Health and Human Services and the State Department of Commerce and Housing. Funds are awarded by formula to Community Action Programs (CAPs) throughout the state. The City of Wichita has been a CAP and received CSBG funds since the mid-1970's. The Career Development Division of the General Government Department administers the CSBG program.

An annual application is required for receipt of the CSBG funds. Activities in the application include clean up in low-income neighborhoods, summer recreation, health services through Project Access, and payment of a portion of the overhead costs for the four Neighborhood City Halls.

Instructions for the new year CSBG application were written before Congress approved the Fiscal Year 2003 CSBG allocation. Therefore, applicants were instructed to prepare their applications using last year's funding level, which for the City of Wichita is \$1,066,870. Applications will be adjusted when the actual CSBG allocation for Fiscal Year 2003 is determined. No general operating funds from the City's budget are obligated by the application.

The CSBG Review Committee met to consider the 2003 application and the Committee approved the application and authorized the Committee Chair to sign.

Motion -- Knight moved that the Grant Application and receipt of funds be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

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TRAFFIC SIGNALS 2003 TRAFFIC SIGNAL PROGRAM. (Districts IV and V)

Agenda Report No. 03-0221

The Capital Improvement Program includes an ongoing project to install new and/or upgrade traffic signals at various intersections. On July 16, 2002, the City Council approved the installation of traffic signals at 21st Street North and 119th Street West. Two additional intersections, MacArthur at Meridian and MacArthur at Gold, warrant new signals. Both locations have been reviewed by the District IV Advisory Board and have its support.

Enterprise Elementary School is being relocated from Seneca Street to Gold Street, north of MacArthur. The new school will add 400 vehicle trips including at least 25 school bus trips to an already congested intersection at Gold and MacArthur. The improvement at Meridian and MacArthur will upgrade the existing signals on cable spans.

The estimated project cost is \$285,000. The budget contained in the Capital Improvement Program is \$220,000. Funding for the increase is available from less than anticipated costs of a project to upgrade downtown traffic signals. The funding source is General Obligation Bonds.

Motion --
-- carried

Knight moved that the project be approved and the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance declaring the intersections of 21st Street North at 119th Street West, MacArthur at Meridian and MacArthur at Gold (2003 Traffic Signalization Program) 472-83609 to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, introduced and under the plans laid over.

SIDEWALK/RAMP 2003 ARTERIAL SIDEWALK AND WHEELCHAIR RAMP – PHASE II. **(Districts I, II, III, and V)**

Agenda Report No. 03-0222

The Capital Improvement Program includes an ongoing project to install sidewalks along arterial streets. The project also includes funding to install wheelchair ramps at various locations in the City. It is part of an ongoing effort to retrofit the entire City as required by the Americans with Disabilities Act. The wheelchair ramp portion of the project was approved by the City Council on November 19, 2002. The sidewalk locations have been reviewed and supported by affected District Advisory Boards.

The 2003 arterial sidewalk locations are:

South side of 21st, from Maize Road to ¼ mile west of Maize Road
West side of Tyler, from 21st to 29th Street
North side of 25th, from Ash to Hillside
North side of Lincoln, from Mosley to St. Francis
South side of Mt. Vernon, from Broadway to St. Francis
West side of Hydraulic, from Fortuna to Mills
South side of Douglas, from Glendale to Woodlawn

Installation of the sidewalk on Douglas will be dependent on receiving favorable bids for the other locations.

The project budget is \$455,000. The funding source is General Obligation Bonds.

Motion -- carried

Knight moved that the project be approved and the Resolution be adopted. Motion carried 7 to 0.

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RESOLUTION NO. 03-107

A Resolution finding it necessary to make certain improvements to construct sidewalk along 21st Street, from Maize Road to one-fourth mile west of Maize Road; Tyler, from 21st Street to 29th Street; 25th Street, from Ash to Hillside; Lincoln, from Mosley to St. Francis; Mt. Vernon, from Broadway to St. Francis; Hydraulic, from Fortuna to Mills; Douglas, from Glendale to Woodlawn and Wheelchair Ramps at various locations (2003 arterial sidewalk and wheelchair ramp program), Project Number 472-83660, and authorizing the issuance of Bonds by the City of Wichita at Large, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

BUDGET

PUBLIC FACILITIES – FIRE STATIONS.

Agenda Report No. 03-0223

On April 9, 2002 the City Council approved the allocation of CDBG funds for Deferred Maintenance Projects in the amount of \$1,380,000. Repair and remodeling of fire stations was approved by the City Council as part of the Deferred Maintenance Projects.

The Department of Public Works has identified additional repair and remodeling projects for fire stations located in the Neighborhood Revitalization Area. The Department of Finance has prepared an amendment to the Memorandum of Understanding to transfer funds for the additional repairs.

Estimated costs for the additional fire station repairs are \$47,295. CDBG funds in the amount of \$47,295 will be transferred from completed Deferred Maintenance Projects.

The City Council must approve budget transfers that are more than \$10,000.

Motion -- carried

Knight moved that the budget transfer be approved. Motion carried 7 to 0.

BUDGET

SNOW AND ICE REMOVAL.

Agenda Report No. 03-0224

The Snow and Ice budget was appropriated \$87,000 for de-icing materials in 2003. The City's three salt storage facilities were completely stocked at the end of 2002. However, six snow and ice storms from late December through mid-February made it necessary to order additional material on several occasions. On Sunday, February 22nd the 3rd worst February snowstorm in Wichita history hit the area with 10+ inches of snow. Material stockpiles were exhausted and materials (sand/salt, calcium chloride and straight salt) were ordered to replenish the supply.

The forecast is calling for more extreme cold and possible precipitation that will require additional materials be purchased. It is imperative that materials be kept on hand to ensure the safety of the citizenry.

The 2003 Snow and Ice commodities account currently has a balance of approximately \$14,000. It was necessary to order \$72,000 in materials to replenish our supply. Because of this order and the anticipated materials need, a budget transfer is needed. It is requested that \$100,000 be transferred into the snow and ice budget to cover the restocking and to ensure that adequate supplies are available for future storms.

Funds are available in the Street Maintenance budget to address the anticipated needs in the Snow and Ice budget.

All budget adjustments over \$10,000 require Council approval.

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Motion -- carried

Knight moved that the budget transfer be approved. Motion carried 7 to 0.

WATER

WASTEWATER TREATMENT PLANTS SITING STUDY.

Agenda Report No. 03-0225

The 2000 Sanitary Sewer Master Plan Update recommended construction of four new wastewater treatment plants. Satellite plants were recommended, based on their cost versus the cost of upgrading existing facilities and the cost of extending infrastructure to transport sewage from new development areas to existing facilities. The first new plant, to serve development in northwest Wichita, is nearing completion and expected to begin operations in March of this year.

A project for identification and acquisition of the three remaining sites is included in the approved Capital Improvement Program as S-522, Plant Siting Study and Land Acquisition.

The first phase of this project will identify sites for the three new plants. Staff will then submit the recommended sites to the City Council for approval prior to acquisition.

Plant Siting Study and Land Acquisition (CIP S-522) has a budget of \$1.2 million, and will be funded from future revenue bonds and/or Sewer Utility cash reserves. The cost for the study should not exceed \$200,000, leaving \$1 million for acquisition of the land.

Motion --
-- carried

Knight moved that the project be approved; the Resolution be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. 03-108

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operated by the City, and to issue Revenue Bonds in a total principal amount which shall not exceed \$200,000. exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Martz moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

WATER

WATER DISTRIBUTION MAIN REPLACEMENT.

Agenda Report No. 03-0226

This project is included in the ten-year Capital Improvement Program. It provides for funding for the replacement of water lines that either leak frequently, or need to be replaced because they are too small to meet current demands.

Distribution Main Replacement is essential for decreasing the number of water main breaks, reducing water system maintenance costs, and improving customer service.

Distribution Main Replacement Program (CIP W-67) has a budget of \$4 million in 2003. It will be funded from future revenue bonds and/or Water Utility cash reserves.

Motion --
-- carried

Knight moved that the expenditures be approved; the Resolution be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

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RESOLUTION NO. 03-109

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operated by the City, and to issue Revenue Bonds in a total principal amount which shall not exceed \$4 Million, exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Martz moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

WATER

66-INCH RAW WATER LINE.

Agenda Report No. 03-0227

This project is included in the approved Capital Improvement Program as W-807, 66" Raw Water Line. It provides for installation of a new 66-inch raw water line from approximately 21st St. N. and Hoover to the water treatment plant to provide redundancy in raw water transmission. The project is being completed in three phases. The first phase (water treatment plant to 13th St. and McLean) is complete. The second phase (17th St. N. and Sheridan to 21st St. N. and Hoover) is currently under construction.

Phase three of the project (13th St. N. and McLean to 17th St. N. and Sheridan) joins the first two phases and completes the project.

The estimated cost of the third phase is \$9,440,000 which is the amount budgeted for W-807 in the 2003 CIP. It will be funded from future revenue bonds and/or Water Utility cash reserves.

Motion --
-- carried

Knight moved that the expenditures be approved; the Resolution be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. 03-110

A Resolution amending Resolution No. R-00-025, pertaining to the installation of a 66" raw water main from 21st Street and Zoo Boulevard to the Water Treatment Plant (W-807) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

MONITORING PLAN HYDROBIOLOGICAL MONITORING PLAN.

Agenda Report No. 03-0227

On October 3, 2000, City Council approved and instructed Staff to begin implementation of the Concept Design Plan for the Integrated Local Water Supply Plan. This Plan identified cost-effective water resources adequate to meet Wichita's water needs to the year 2050. As part of the Plan, the City commissioned an Environmental Impact Statement to evaluate potential environmental impacts that the projects might create.

Although the projects completed as part of the water supply plan do not require an Environmental Impact Statement, the City wanted to do an impact statement to provide assurance to the public that the City is committed to doing projects in a manner that causes little or no environmental damage. The Environmental Impact Statement recommended hydrobiological monitoring for long-term environmental impacts associated with projects in the water supply plan. The monitoring will be developed in cooperation with the U.S. Fish and Wildlife Service and Kansas Department of Wildlife and Parks. Included will be sampling plans and protocols for monitoring hydrology, water quality, flora and fauna communities, and species habitats in portions of the rivers or areas that could be impacted by facilities and activities in the water supply plan. Objectives will be:

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- Document existing environmental conditions in the Little Arkansas and Arkansas Rivers.
- Detect if changes in existing environmental conditions occur.
- Determine if any detected environmental changes are caused by the water supply plan, or by unrelated causes.
- Provide scientifically defensible means to evaluate whether the water supply plan is causing, or significantly contributing, to observed environmental changes.
- Recommend management actions/operational changes to enhance beneficial environmental impacts, or mitigate any adverse changes, should they occur.

Estimated cost for the Hydrobiological Monitoring Plan is \$80,000. Funding is included in CIP W-549 (Water Supply Plan).

Administrative Regulations require that projects with costs in excess of \$10,000 be approved by City Council.

Motion -- Knight moved that the project be approved and the request for proposals be authorized. Motion carried -- carried 7 to 0.

PROPERTY ACQ. ACQUISITION OF 1501 SOUTH MCLEAN FOR THE IMPROVEMENT OF THE INTERSECTION OF MCLEAN AND HARRY. (District IV)

Agenda Report No. 03-0229

On March 27, 2001, City Council approved funding for design agreements and right of way acquisition for the improvement of the intersection of McLean and Harry. The improvements will require the partial acquisition of the northwest corner of McLean and Harry. A 416 square foot triangular tract is required from this corner, which is owned by Harlow Properties LLC. This is the only tract needed for the project.

The permanent acquisition has been valued at \$2,700. The owner has agreed to accept this amount. If the project impacts any improvements, these will be replaced as part of the project.

The funding source is general obligation bonds. A budget of \$2,900 is requested for the acquisition including \$2,700 for the acquisition and \$200 for closing costs.

Motion -- Knight moved that the budget and the Contract be approved; and the necessary signatures be -- carried authorized. Motion carried 7 to 0.

PROPERTY ACQ. ACQUISITION OF 1937 NORTH HILLSIDE: HILLSIDE IMPROVEMENT, BETWEEN 17TH AND 21ST STREETS. (District I)

Agenda Report No. 03-0230

The Hillside Improvement Project, between 17th and 21st Streets, was approved for design and right-of-way acquisition by the City Council on May 21, 2002. The project will require the acquisition of 15 tracts. One of the properties is owned by Paul R. Wilt. The property is located at 1937 North Hillside and is improved with a 796 square foot frame house on a 7,000 square foot site. This is the last tract required for the project. The planned improvements will require the removal of the improvements and utilization of the site.

The property was valued at \$ 25,000. While the owner and contract buyer has agreed to settle for this amount, it has been discovered that the contract buyer has several Federal tax liens that prevent acquisition of clean title. The property has been posted for Sheriff's sale with the sale tentatively scheduled for mid-April. Acquisition at this sale would provide clear title.

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Funds have been budgeted in the Capital Improvement Program for acquisitions for this project. The funding source will be General Obligation Bonds paid by local sales tax revenues. A budget of \$50,000 is requested. While above the appraised value of the property, this amount provides enough funds to acquire the property even if the tax liens are bid in to the sale

Motion --
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

PROPERTY ACQ.

ACQUISITION OF 1953 NORTH HILLSIDE: HILLSIDE IMPROVEMENT, BETWEEN 17TH AND 21ST STREETS. (District I)

Agenda Report No. 03-0231

The Hillside Improvement Project, between 17th and 21st Streets, was approved for design and right-of-way acquisition by the City Council on May 21, 2002. The project will require the acquisition of 15 tracts. This is the 14th tract to be acquired. One of the properties is owned by Mary A. Kuhn. The property is located at 1953 North Hillside and is improved with a 1,008 square foot frame house on a 10,500 square foot site. The planned improvements will require the removal of the improvements and utilization of the site.

The property was valued at \$ 36,000. The owner has agreed to sell for this amount. The tenants will be relocated and the site will be processed for demolition.

Funds have been budgeted in the Capital Improvement Program for acquisitions for this project. The funding source will be General Obligation Bonds paid by local sales tax revenues. A budget of \$52,000 is requested. This includes \$36,000 for the acquisition, \$5,000 for demolition, \$9,000 for moving and relocation and \$2,000 for closing costs and title insurance.

Motion --
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

PROPERTY ACQ.

ACQUISITION OF WATERLINE EASEMENTS ON NORTH MAIZE ROAD. (District V)

Agenda Report No. 03-0232

The City Council adopted a Resolution on January 25, 2000 declaring it necessary to construct, improve, extend, and enlarge the water and sewer utility owned and operated by the City. Fulfillment of this Resolution requires easements on tracts of land located on Maize Road north of 29th Street North. The easements will be used for the installation of a 20-inch water line.

There are two easements including approximately 1.2 acres of temporary and permanent easements. Allowance for crop damage has been included in the compensation. A negotiated value of \$16,970 has been reached with the two owners.

The budget of \$18,470 includes \$16,970 for the acquisition and \$1,500 for closing and title work. The acquisition will be funded by water utility funds.

Motion --
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

EMINENT DOMAIN

ACQUISITION BY EMINENT DOMAIN OF TRACTS BETWEEN 17TH AND 21ST STREETS NORTH. (DISTRICT I)

Agenda Report No. 03-0233

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The Hillside Improvement Project, between 17th and 21st Streets North, was approved for design and right-of-way acquisition by the City Council on May 21, 2002. The project will require the acquisition of 15 tracts. Fourteen have been acquired.

City staff and consultants hired by the City have been attempting to negotiate a purchase of 1937 North Hillside. The owner is willing to sell the property but cannot provide clear title. The property is encumbered with Federal tax liens as well as other claims and is scheduled for Sheriff's sale. Staff intends to attempt to acquire the property at the Sheriff's sale but the timing of the sale is uncertain. Because of this uncertainty and the construction schedule for the project, eminent domain proceedings need to be initiated.

The cost of these acquisitions will be paid for by the City at large.

Motion --
-- carried

Knight moved that the Resolution be adopted; filing of documents by City Attorney with District Court be authorized; and the Ordinance be placed on first reading. Motion carried 7 to 0.

RESOLUTION NO. 03-111

A Resolution declaring the necessity for acquiring private property for the use of the City of Wichita in connection with planned improvement of North Hillside Avenue from 17th Street to 21st Street North, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

ORDINANCE

An Ordinance providing for the acquisition by eminent domain of certain private property, easements and right-of-way therein, for the purpose of acquiring real property for the construction and improvement of Hillside Avenue from 17th Street to 21st Street North in the City of Wichita, Sedgwick County, Kansas; designating the lands required for such purposes and directing the City Attorney to file a petition in the District Court of Sedgwick County, Kansas, for acquisition of the lands and easements therein taken and providing for payment of the cost thereof, introduced and under the rules laid over.

EMINENT DOMAIN ACQUISITION BY EMINENT DOMAIN OF TRACT AT 2930 SOUTH HOOVER. (District IV)

Agenda Report No. 03-0234

The planned drainage improvements on Hoover, south of K-42 will require the acquisition of an undeveloped tract of land at 2930 South Hoover. The required tract site contains .54 acres. A temporary easement totaling .062 acres is also required. This is fifth and final tract needed for the project.

City staff and consultants hired by the City have been attempting to negotiate a purchase of the identified properties but have been unable to reach an agreement with the owner. The owner was offered \$31,500 based on appraised value. The owner has not provided any counter offer to date. Staff will continue to negotiate with the owners, but due to the construction schedule for the project, eminent domain proceedings need to be initiated.

The cost of these acquisitions will be paid for by the City at large.

Motion --
-- carried

Knight moved that the Resolution be adopted; filing of documents by City Attorney with District Court be authorized; and the Ordinance be placed on first reading. Motion carried 7 to 0.

RESOLUTION NO. 03-112

A Resolution declaring the necessity for acquiring private property for the use of the City of Wichita in connection with planned Hoover Drainage Improvement Project, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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ORDINANCE

An Ordinance providing for the acquisition by eminent domain of certain private property easements and right-of-way therein, for the purpose of acquiring real property for the construction and improvement of drainage East Hoover Road and south of Highway K-42 in the City of Wichita, Sedgwick County, Kansas; designating the lands required for such purposes and directing the City Attorney to file a petition in the District Court of Sedgwick County, Kansas, for acquisition of the lands and easements therein taken and providing for payment of the cost thereof, introduced and under the rules laid over.

DONATION

DEDICATION OF PROPERTY NEAR 47TH STREET SOUTH AND THE BIG DITCH/COWSKIN FLOODWAY FOR PARK PURPOSES. (District IV)

Agenda Report No. 03-0235

Billy Gray has offered to donate Reserve A, Gray's 5th Addition, to the City for use as public park and open space. The area is located along the west edge of the Big Ditch/Cowskin Floodway near 44th Street South and encompasses approximately 7 acres.

The property is adjacent to the Big Ditch/Cowskin Floodway and is currently open area. Mr. Gray ultimately intends to plat all the land south of the subject to 47th Street South. These future plats will also have reserves along that floodway that he will donate to the City. Ultimately, the City will receive approximately 24.5 acres extending a half-mile along the floodway. Mr. Gray will maintain the areas until such time as all the land has been dedicated to the City.

Initially, Mr. Gray will bear all costs of maintenance. Upon completion of the donations, any maintenance and/or development costs will be paid out of the Park Department's operating budget.

Motion --
-- carried

Knight moved that the current and future donations be accepted; and the necessary signatures be authorized. Motion carried 7 to 0.

CONDEMNATIONS

REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES.

Agenda Report No. 03-0236

On February 4, 2003 the Board of Code Standards (BCSA) held a hearing on the following five (5) properties. These properties are considered dangerous and unsafe structures, and are being presented to schedule a condemnation hearing before the Governing Body.

Improvement notices have been issued on these structures, however, compliance has not been achieved. Pre-condemnation and formal condemnation letters were issued and the time granted has expired. No action has been taken to repair or remove these properties.

	<u>Address</u>	<u>District</u>
a)	1946 South Everett	IV
b)	523 North Mathewson	I
c)	1340 North Washington	I
d)	326 West Morris	I
e)	3151 South Yale	III

These structures have defects that under Ordinance No. 28-251 of the Code of the City of Wichita, shall cause them to be deemed as dangerous and unsafe buildings, as required by State Statute for condemnation consideration.

Motion --

Knight moved that the Resolutions placing this matter on the agenda for a Hearing before the Governing Body on April 15, 2003, at 9:30 a.m., or soon thereafter, be adopted. Motion carried

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-- carried

7 to 0.

RESOLUTION NO. 03-098

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: Lots 37 and 39, Block M, South University Place Addition to Wichita, Sedgwick County, Kansas, known as 1946 South Everett, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 03-099

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: Lot s 42 and 43, Shirk's Addition, to the City of Wichita, Sedgwick County, Kansas, known as 523 North Mathewson, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 03-100

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: Lot s 18 and 29, on Washington, H.O. Burleigh's Third Addition, to the City of Wichita, Kansas, Sedgwick County, Kansas, known as 1340 North Washington, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 03-101

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: the east 45 feet of Lot 6 Safety Addition, to the City of Wichita, Sedgwick County, Kansas, known as 326 West Morris, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 03-102

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: Lot 24, Block J, Planeview Sub-Division Addition No. 2, being a sub-division in Section 2, Township 28 South, Range 1 east of the sixth Principal Meridian, Sedgwick County, Kansas, known as 3151 South Yale, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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RR CORRIDOR

RAILROAD CORRIDOR IMPROVEMENTS. (Districts I, III, and VI)

Agenda Report No. 03-0237

The Capital Improvement Program includes funding to elevate railroad tracks through the Central Railroad Corridor. On March 25, 1999, the City Council authorized funding to begin project design.

Amending Resolutions have been prepared to authorize design and right-of-way acquisition funding to elevate tracks for the Union Pacific Railroad (UPRR) and BNSF Railroad Companies between Douglas and 21st, and the Union Pacific tracks at Pawnee.

A Resolution in the amount of \$24,300,000 has been prepared for the Central Rail Corridor project. This represents the amount of Federal TEA-21 funds that have been directed to the project.

A Resolution in the amount of \$11,100,000 has been prepared for the Pawnee/UPRR project. This represents the amount of Union Pacific funds that are available for the project.

In the future, the City Council will need to provide additional funding authorization for the construction of both projects.

Motion --carried

Knight moved that the Resolutions be adopted. Motion carried 7 to 0.

RESOLUTION NO. 03-113

A Resolution amending Resolution No. R-02-131 of the City of Wichita, Kansas, finding it necessary to make certain grade separation improvements to the Union Pacific Railroad and Streets between Douglas Street and 19th Street North and the realignment of the Burling Northern Santa Fe Tracks between 17th Street North and 29th Street North, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 03-114

A Resolution amending Resolution No. R-99-171 of the City of Wichita, Kansas finding it necessary to make certain improvements at the intersection of the Union Pacific Railroad and Pawnee Avenue, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

PARK PROJECTS

2001-2002 PARK PROJECTS. (Districts I, II, and IV)

Agenda Report No. 03-0238

Park projects are bonded under the authority of Kansas Statue 13-1024c. The Resolutions associated with such projects are routinely reviewed by the State Attorney General's Office.

During a recent review, the City was requested the City's Resolution form be revised to provide more clarity about the projects and that existing Resolutions be revised to provide additional detail.

There is no impact on project budgets.

Amending Resolutions have been prepared to comply with the request of the Attorney General's Office.

Motion -- carried

Knight moved that the Resolutions be adopted. Motion carried 7 to 0.

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RESOLUTION NO. 03-115

A Resolution authorizing the issuance of Bonds by the City of Wichita at Large for public improvements in South Lakes Park (472-82922), presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 03-116

A Resolution authorizing the issuance of Bonds by the City of Wichita at Large for the repair, removal, and/or construction of athletic courts in Boston Park, Eastview Park, McAdams Park and College Hill Park, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

HALL OF FAME

AMENDMENT FOR KANSAS SPORTS HALL OF FAME. (District V)

Agenda Report No. 03-0239

On August 6, 2002, the City Council adopted an Ordinance authorizing issuance of General Obligation Bonds in an amount not-to-exceed \$1.4 million for the purpose of acquiring and renovating the property at 238 North Mead for use by the Kansas Sports Hall of Fame. The City Council approved an incentive package that includes acquisition and remodeling of a two-story 27,000 s.f. warehouse building in Old Town, contribution of up to a maximum amount of \$225,000, over a two-year period to cover moving and initial operating costs for the relocation of the Kansas Sports Hall of Fame, and payment of first two-years lease payments.

Rehab will be carried out by the City with permanent financing through Public Building Commission bonds.

The cost to acquire the property was \$600,000 and the original cost estimate for renovation was \$750,000. The original costs of renovation were based on Key Construction's proposal to do the work on a design-build basis.

The City opted to select architect, McCluggage VanSickle (MVP), to design the renovation project and then bid out the construction work. However, after selecting MVP as the architect, some items were identified pertaining to code issues that added to the cost of the project as follows:

- Mechanical Systems – heating/air conditioning was not sized for the needs of the museum
- Electrical - upgrade voltage per Westar's requirement
- Sprinkler system - code requirement for fire sprinkler due to the type of use
- Windows - historic preservation requirement to renovate the windows

The Wichita Public Building Commission has agreed to increase the term of the financing to increase the principal amount of the bond issue without increasing the annual lease payments.

The costs of acquisition and rehabilitation of the Old Town warehouse facility will be financed by Public Building Commission (PBC) bonds and amortized over a 20-year term by sublease payments received from the Kansas Sports Hall of Fame, starting in year three. Payment of the PBC bond payments for the first two years (estimated to be \$260,000, paid out of debt service, and \$225,000 for startup and operating support) will be paid from the City's Economic Development Fund reserves.

To cover certain additional costs, the City Council is requested to increase the bonding ordinance to a not-to-exceed amount of \$1.6 million.

The City Attorney's Office will review and approve the amended Ordinance as to form. The Ordinance authorizes the use of City funds to defray project costs, pending the issuance of Public Building Commission bonds.

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Motion -- carried

Knight moved that the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance amending Ordinance No. 45-376 authorizing the City of Wichita, Kansas, to issue certain General Obligation Bonds of the City in an amount not to exceed One Million Six Hundred Thousand Dollars (\$1,600,000) for the purpose of acquiring the real property and existing improvements located at 238 North Mead Avenue, in the City of Wichita, Sedgwick, County, Kansas, and repairing, renovating and further improving said property for use by the Kansas Sports Hall of Fame, introduced and under the rules laid over.

G.O. BONDS/NOTES

AMENDMENT OF SCHEDULE II TO ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION RENEWAL AND IMPROVEMENT TEMPORARY NOTES.

Agenda Report No. 03-0240

The authorizing Ordinance adopted by Council on January 14, 2003, provided for the issuance of General Obligation Renewal and Temporary Notes in the amount of \$90,700,000.

Schedule II of the Ordinance lists all projects for which notes are being issued. Schedule II contained a project that should have been omitted. The amending Ordinance corrects the project list as noted in Schedule II.

This amendment has no fiscal impact on the City.

Motion -- carried

Knight moved that the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance amending Schedule II to Ordinance 45-544 of the City authorizing and providing for the issuance of General Obligation Renewal and improvement Temporary Notes, Series 207, of the City of Wichita, Kansas, in the total principal amount of \$90,700,000, introduced and under the rules laid over.

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ FEBRUARY 11, 2003)

- a) Home Occupation License Fee.

ORDINANCE NO 45-559

An Ordinance amending Section 3.96.010 and repealing the originals of said amended Section, all in the Code of the City of Wichita, Kansas, and pertaining to home occupation licenses in the City of Wichita, Kansas, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight..

- b) ZON 2002-00059 - southwest corner of MacArthur and Hoover Road. (District IV)

ORDINANCE NO 45-560

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.. ZON2002-Case 2002-59.

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- c) A03-01 – south of K-96, north of 37th Street North, East of North Tyler Road. (District V)

ORDINANCE NO 45-561

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. A03-01

- d) A03-02 – south of 37th Street North, east of North Tyler Road. (District V)

ORDINANCE NO 45-562

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. A03-02

- e) A03-04 – west of South Maize Road, north of State Highway K-42. (District IV)

ORDINANCE NO 45-563

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. A03-04

- f) A03-05 – Kansas Aviation Museum Site at 3350 George Washington Boulevard. (District III)

ORDINANCE NO 45-564

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. A03-05

PLANNING AGENDA

Dale Miller Acting Director of Planning stated that the Planning Agenda, except Item 42, could be considered as consensus, unless the Council desired to withhold other Items.

Motion -- Knight moved that the Planning Agenda, except Item 42, be approved as consensus Items. Motion carried 7 to 0.
-- carried

SUB2001-58 SUB2001-58 – PLAT OF CENTRAL MAIZE SCHOOLS ADDITION – SOUTHWEST CORNER OF 37TH STREET NORTH AND TYLER ROAD. (District V)

Agenda Report No. 03-0241

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (10-0)

This site is zoned SF-5, Single-Family Residential District, and is located in the City of Wichita.

Petitions, all 100%, have been submitted for water, sanitary sewer and paving improvements.

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A Certificate of Petitions has been provided. A Restrictive Covenant has been submitted regarding emergency access along 37th Street No.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petitions and Restrictive Covenant will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the documents and plat be approved; the Resolution be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. 03-117

Resolution of findings of advisability and resolution authorizing improving Tyler Road providing for a northbound left turn lane at the entrance of Maize Central Schools Addition, (south of 37th Street North, west of Tyler) 472-83713, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 03-118

Resolution of findings of advisability and resolution authorizing improving of 37th Street North providing for a westbound left turn lane at the entrance of Maize Central Schools Addition, (south of 37th Street North, west of Tyler) 472-83725, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

(Item No. 42)
ZON2002-00064
/CUP2002-00053

ZON2002-00064/CUP2002-00053 – ZONE CHANGE FROM MULTI-FAMILY RESIDENTIAL TO GENERAL OFFICE, AND AMENDMENT TO DP 95 PARCEL C FANTASEA COMMERCIAL CUP TO ALLOW GENERAL OFFICE USES – NORTH OF 32ND STREET NORTH, WEST OF RUSHWOOD. (District I)

Dale Miller

Acting Director of Planning said the Applicant hand requested a two-week deferral.

Motion -- carried

Brewer moved that this Item be deferred to March 18, 2003. Motion carried 7 to 0.

ZON2002-00071

ZON2002-00071 – ZONE CHANGE FROM LIMITED COMMERCIAL TO SINGLE-FAMILY RESIDENTIAL – SOUTH OF PAWNEE, WEST OF MAIZE ROAD. (District IV)

Agenda Report No. 03-0243

MAPC Recommendation: Approve. (11-0)
Staff Recommendation: Approve.

The applicant requests "SF-5" (Single-Family) zoning on a 1.72-acre site for single-family residential development. The site is part of a larger residential plat, the Southern Ridge Addition, approved by the Wichita City Council on December 17th, 2002. The application area is currently developed with agricultural uses. The site is on the south side of Pawnee, east of the Maize and Pawnee intersection. Property north of the application area is zoned "SF-5" and developed with single-family residences; south and west of the application area is property zoned "SF-5" and platted for single-family residences; east of the application area is the "LC" (Limited Commercial) zoned arterial intersection, also under agricultural use.

The proposed zone change, from "LC" to "SF-5", and the proposed development, would require conformance to all property development standards in the Unified Zoning Code.

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MAPC heard this request at their regularly scheduled meeting on November 11, 2002. No members of the public chose to speak on the zone change request; MAPC approved the request by a vote of 11-0.

Motion --
-- carried

Knight moved that Council concur with the findings of the MAPC and approve the zone change; and that the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210. ZON2002-00071

A02-23

A02-23 – ANNEX LAND SOUTH OF KELLOGG, WEST OF 143RD STREET EAST. (District II)

Agenda Report No. 03-0244

The City has received a request to annex approximately 85 acres of land situated immediately west of 143rd Street East and approximately ½ mile south of US 54. The site abuts the City of Wichita both to the north (Springdale Lakes 2nd Addition) and to the south (Spring Valley Estates 2nd Addition). The applicant plans to develop the site as the Clear Creek Addition containing 201 single-family homes. It is anticipated that the annexation area will be fully developed within five (5) years.

The applicant has also tried unsuccessfully to include with this annexation request, a small unplatted tract of land held under separate ownership and located adjacent to the area being platted. This tract will remain in the County until such time as it is platted for redevelopment.

Land Use and Zoning: The annexation request area is presently in agricultural use and zoned “SF-20” Single Family Residential. Land directly north and south of the site is zoned “SF-5” Single Family Residential, and has been developed for urban densities of residential use. Land east of the site is zoned “SF-20” Single Family Residential and has also been platted and developed for large lot residential use. Land west of the site is zoned “SF-20” Single Family, and is currently in agricultural use.

Public Services: As part of the platting requirements for Clear Creek Addition, the developer shall guarantee the extension of City sanitary sewer and water to serve the lots being platted. Water main service will be extended from 143rd Street while the sewer main service extensions to the annexation area will come from the Springdale Lakes 2nd Addition and the Spring Valley Estates 2nd Addition.

Street System: The property proposed for annexation has access to 143 Street East (two-lane asphalt surfaced arterial) that serves the area as the nearest north-south road, and US 54 (four-lane paved freeway) that serves the area as the nearest east-west arterial. The 2002-2011 City of Wichita Capital Improvement Program has not identified any future improvements to 143rd Street East. As a condition of platting approval, the applicant will be required to install left turn lanes on 143rd Street at the planned ingress/egress point to the development.

Public Safety: Fire services to this site can be provided by the City of Wichita within a seven (7) to nine (9) minute approximate response time from City Station No. 15 located at Rock Road and Lincoln or from the County Station #38 located at 1010 N. 143rd Street East. However, a new Fire Station will be completed later this year near 127th Street East and Kellogg, which will notably reduce response times to the proposed annexation site. Upon annexation, police protection will be provided to the area by the Patrol East Bureau of the Wichita Police Department, headquartered at 350 South Edgemoor.

Parks: W.B. Harrison Park, a 40 acre park, is located approximately 3 miles west of the proposed annexation site. A bike pathway is proposed along Harry Road in the 1996 Parks and Open Space Master Plan.

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School District: The property is located in Unified School District 259 (Wichita School District). Annexation will not change the school district.

Comprehensive Plan: The proposed annexation is located within the Wichita 2010 urban service area, as depicted in the most recent update to the Wichita Land Use Guide, and the proposed development is consistent with current amendments to the Wichita-Sedgwick County Comprehensive Plan.

The current approximate appraised value of the proposed annexation area is \$12,070, with a total assessed value of \$3,621. Using the current City levy (\$31.406/\$1000 x assessed valuation), this roughly yields \$114 in City annual tax revenues for the property. The future assessed value of this property will depend on the type and timing of development and the current mill levy. However, the property owner projects an overall appraised value of \$34,974,000 for residential when development is completed, resulting in an assessed value of \$4,022,010. Assuming the current City levy remains about the same, this would roughly yield \$126,315 in City annual tax revenues.

The properties are eligible for annexation under K.S.A. 12-519, et seq.

Motion --
-- carried

Knight moved that the annexation be approved and the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, introduced and under the rules laid over. A02-23

A03-06

A03-06 – ANNEX LAND AT 1700 SOUTH 151ST STREET WEST, SOUTH OF HIGHWAY 54 AND EAST OF 151ST STREET WEST. (District V)

Agenda Report No. 03-0245

The City has received a request to annex 2.04 acres of land situated south of Highway 54 and immediately east of 151st Street West. The site abuts the City of Wichita directly to the east and west. The property owner has recently developed the site with a 2,500 sq. ft. industrial warehousing building (one employee).

Land Use and Zoning: The annexation parcel is currently developed and zoned “LI” Limited Industrial. Lands surrounding the proposed annexation site to the north, south and east are developed with warehousing and manufacturing uses, and zoned “LI” Limited Industrial. Large lot residential development located immediately to the west of the site is zoned “SF-20” Single Family Residential. The “LI” Limited Industrial zoning of the annexation site will remain in effect following annexation.

Public Services: City water and sanitary sewer service is available to the site.

Street System: The property requested for annexation has access to Highway 54 (four-lane divided asphalt surface road) that serves the area as the nearest east-west arterial road, and 151st Street West (two-lane unpaved road) that serves the area as the nearest north-south arterial road. Neither the 2002-2011 City of Wichita Capital Improvement Program or the Sedgwick County 2002-2006 C.I.P. have identified any future improvements to 151st Street West.

Public Safety: Fire services to this site can be provided within an eight (8) to nine (9) minute approximate response time from City Station #17 located at 10651 West Maple. Upon annexation, police protection will be provided to the area by the Patrol West Bureau of the Wichita Police Department, headquartered at 661 North Elder.

Parks: The Meadows Park and West Millbrook Park are located approximately two miles northeast of the annexation area respectively.

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School District: The annexation property is located in Unified School District 265 (Goddard School District). Annexation will not change the school district.

Comprehensive Plan: The proposed annexation is consistent with current amendments to the Wichita-Sedgwick County Comprehensive Plan.

The current approximate appraised value of the proposed annexation area is \$31,900, with a total assessed value of \$3,828. Using the current City levy (\$31.406/\$1000 x assessed valuation), this roughly yields \$120 in City annual tax revenues for the property. The future assessed value of this property will depend on the current mill levy. However, the property owner projects an overall appraised value of \$150,000 for the newly constructed industrial building on the site, resulting in an assessed value of \$37,500. Assuming the current City levy remains about the same, this would roughly yield \$1,178 in City annual tax revenues.

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion --
-- carried

Knight moved that the annexation be approved and the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, introduced and under the rules laid over. A03-06

A03-07

A03-07 – ANNEX LAND AT 4433 NORTH OLIVER, ¼ MILE SOUTH OF 45TH STREET NORTH, WEST OF NORTH OLIVER. (District I)

Agenda Report 03-0246

The City has received a request to annex 5.0 acres of land situated ¼ mile south of 45th Street North and immediately west of North Oliver Street. The site abuts the City of Wichita directly to the west, north and south. The City of Bel Aire abuts the property immediately to the east. The property owner has a developed residence at this site and wishes to connect to Wichita water and sewer services.

Land Use and Zoning: The annexation area is presently in residential use and zoned “SF-20” Single Family Residential. Lands surrounding the proposed annexation site to the north, south and west have recently been developed for residential uses and are zoned “SF-5” Single Family Residential. Lands to the east in the City of Bel Aire are predominately developed for residential uses. The “SF-20” Single Family Residential zoning of the annexation parcel will convert to “SF-5” Single Family Residential upon annexation.

Public Services: Wichita water and sanitary sewer service is readily available to this site.

Street System: The property requested for annexation has access to N. Oliver Street (two-lane asphalt surface road) that serves the area as the nearest north-south arterial road, and 45th Street North (two-lane paved road) that serves the area as the nearest east-west arterial road. The City of Bel Aire annexed North Oliver Street in 2001.

Public Safety: Under the City-County first response agreement, fire services to this site can be provided within a five (5) to six (6) minute approximate response time from County Fire Station #32 located at 501 East 53rd Street North. Upon annexation, police protection will be provided to the area by the Patrol North Bureau of the Wichita Police Department, headquartered at 3015 E. 21st Street North.

Parks: Two parks and a greenway are located approximately two (2) miles southeast and southwest of the property proposed for annexation. Located southeast of the site, Chisholm Creek Park features a 1.6 mile nature trail along Chisholm Creek and the Great Plains Nature Center. Located southwest of the

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annexation site, Grove Park functions as a regional facilities park. The Chisholm Creek greenway connects Chisholm Creek Park and Grove Park.

School District: The annexation property is located in Unified School District 259 (Wichita School District). Annexation will not change the school district.

Comprehensive Plan: The proposed annexation is consistent with current amendments to the Wichita-Sedgwick County Comprehensive Plan.

The current approximate appraised value of the proposed annexation area is \$93,710, with a total assessed value of \$10,776. Using the current City levy (\$31.406/\$1000 x assessed valuation), this roughly yields \$338 in City annual tax revenues for the property. No future development is proposed as part of this annexation request. The future assessed value of this property will depend on the current mill levy.

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion --
-- carried

Knight moved that the annexation be approved and the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, introduced and under the rules laid over. A03-07

AIRPORT AGENDA

AIRPORT

SUPPLEMENTAL AGREEMENT – SKYCAP SERVICES.

Agenda Report No. 03-0247

Harrison Armstrong has managed the skycap operation on Wichita Mid-Continent Airport for a number of years as an independent contractor. Mr. Armstrong is responsible for managing the program, maintaining adequate staffing, and providing baggage handling and passenger assistance services to the general public, from 5:00 a.m. until 10:30 p.m. on a daily basis.

Provision of this service as a management arrangement, allows the WAA to contract with an individual on an independent contractor basis, and assigns the responsibility for the supervision of those employees to that individual. Mr. Armstrong is responsible for hiring and training these individuals, as well as assuring that payment of employees and working conditions are in accordance with all applicable wage and hour and other employment laws. The supplement is for the period March 1, 2003 through February 29, 2004. At that time, the associated costs for maintenance of this program will be reviewed and submitted for approval.

Cost to the WAA for the management of this program is \$83.23 per day for an annual cost of \$30,379. This is a slight increase of \$445 per year, and reflects the current cost of providing this service. In the event that increased coverage is required, an additional \$3,000 is included in the supplement, which would allow adjustment of the daily rate, if the increase can be substantiated.

Motion --
-- carried

Knight moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

AIRPORT

TRANS STATES AIRLINES.

Agenda Report No. 03-0248

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Trans States Airlines d/b/a American Connection began serving Wichita Mid-Continent Airport on March 2 of this year. This airline will provide five flights per day to St. Louis using 50-passenger Embraer Regional Jets. This service replaces four flights previously offered by American using MD-80s.

The Wichita Airport Authority has a standard lease and use agreement with the passenger carrying airlines serving Wichita Mid-Continent Airport. This agreement offers the same terms and conditions as those offered to other passenger-carrying airlines. The security agreement covers the shared costs of a dedicated law enforcement officer to the passenger screening process.

This agreement establishes the basis for consistently calculating the rates that apply to signatory passenger airlines at Wichita Mid-Continent Airport. The current landing fee rate is \$1.57 per thousand pounds of maximum gross landed weight and the average terminal rate is \$30.45 per sq. ft. They will be handled by American Eagle. Consequently, they will not be renting any exclusive use terminal space. A security deposit equal to two month's fees is required of each airline.

Motion --
-- carried

Knight moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

AIRPORT

SHUTTLE SERVICE.

Agenda Report No. 03-0249

The WAA has received a request from Border to Border Shuttle Service to provide shuttle service to and from Wichita Mid-Continent Airport. Border to Border has been operating throughout the State of Kansas for the past couple months. The company is licensed under the Kansas Corporation Commission.

Border to Border operates from McPherson, Kansas. This shuttle provides an avenue for travelers from small Kansas communities to be able to use Wichita Mid-Continent Airport. They currently also have some relationships with local companies who use their service. The agreement will allow Border to Border to park in the courtesy area while waiting for its customer(s).

The fee proposed for allowing Border to Border to pick up/drop off customers at the airport is \$25 per month. This fee is one-half of that being assessed to other airport shuttles operating within the City of Wichita, in that they will be using the courtesy lane less frequently. While the revenue to the WAA for the provision of this service is not significant, it does fill a need for travelers desiring to use Wichita Mid-Continent Airport.

Motion --
-- carried

Knight moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

AIRPORT

GROUNDS MAINTENANCE SERVICES.

Agenda Report No. 03-0251

Last Fall, the Wichita Airport Authority discontinued farming operations of approximately 1,000 acres on Wichita Mid-Continent Airport in response to recommendations made by the U. S. Department of Agriculture/Wildlife Services in an effort to reduce hazardous wildlife attractants on or near the airport. On September 1, 2002, the WAA entered into an agreement with an independent contractor to plant 782 acres of fescue grass, and to mow 545 acres.

Security regulations now require that contractors working inside the security fence be supervised by WAA personnel. For that reason, when the Request for Proposal was developed, supervision was arranged for the planting phase only, and not for the on-going mowings. WAA personnel propose to mow approximately 341 acres within the security fence, which was previously farmed. There still

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remains 116 acres in the non-secure area, representing both farmed areas and areas mowed by WAA personnel. If WAA personnel are required to mow both areas, additional equipment and personnel would be required. Instead, it is proposed that WAA personnel assume the mowing responsibilities for all 341 acres airside using existing resources, and that 116 acres outside of the fence be contracted out to circumvent the need for more resources. Other areas outside the fence have been successfully contracted out in the past.

Requests for proposals will be developed through the City's Purchasing Division to solicit a contractor to provide these services. Estimated annual cost is \$42,000.

Motion --
-- carried

Knight moved that the Staff be authorized to solicit proposals and that the increase to the Airport Budget fund by \$42,000 in 2003, and annually thereafter, be approved. Motion carried 7 to 0.

AIRPORT

ELECTRONIC SIGNS AND GUARD BUILDINGS PURCHASE – EMERGENCY PURCHASE.

Agenda Report No. 03-0252

In response to new security requirements the airport needs to purchase two electronic signs and two guard buildings. These items are necessary to aid in the inspection of vehicles.

The City Manager approved the purchase of the signs and guard buildings through the issuance of an emergency Purchase Order.

Purchase orders were issued to Par-Kut International for \$11,640, Mobile Mini for \$12,399, and to Addco Corporation for \$53,140.

Purchasing Ordinance No. 35-856 provides for emergency purchase when an public exigency exists which will not permit a delay incident to advertising with approval by the City Manager. The Purchase Manager is then authorized to negotiate the purchase.

Motion -- carried

Knight moved that the emergency purchase be approved. Motion carried 7 to 0.

EXECUTIVE SESSION

Motion --

Knight moved that the City Council recess and move to executive session at 12:45 p.m. to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to pending and potential litigation, legal advice; and preliminary discussions relating to the acquisition of real property for public purposes; and confidential data regarding trade secrets of a business; and that the City Council return no earlier than 1:20 p.m. Motion carried 7 to 0.

-- carried

RECESS

The City Council recessed at 12:21 p.m. and reconvened at 1:20 p.m.

Mayor Knight

Mayor Knight announced that no action was necessary as a result of the executive session.

ADJOURNMENT

The City Council meeting adjourned at 1:20 p.m.

Pat Graves CMC
City Clerk